

tial law in this State, and declaring an emergency."

Have carefully compared same and find it correctly enrolled, and have this day, at 10:20 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.

#### FOURTEENTH DAY.

(Thursday, May 3, 1923.)

The House met at 10:30 o'clock a. m. and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Hendricks.
Amsler.	Houston.
Arnold.	Howeth.
Atkinson.	Irwin.
Avis.	Jacks.
Baker of Milam.	Jennings.
Baker of Orange.	Johnson.
Barker.	Kemble.
Beasley.	Lane.
Bell.	LeMaster.
Bird.	Lewis.
Bonham.	Loftin.
Bryant.	Looney.
Burmeister.	McBride.
Cable.	McDaniel.
Carpenter	McDonald.
of Dallas.	McFarlane.
Carpenter	McKean.
of Matagorda.	McNatt.
Carson.	Martin.
Carter of Hays.	Maxwell.
Coffee.	Merritt.
Collins.	Miller.
Covey.	Montgomery.
Cowen.	Moore.
Crawford.	Morgan
Culp.	of Liberty.
Davenport.	Morgan
DeBerry.	of Robertson.
Dinkle.	Patterson.
Downs.	Perdue.
Driggers.	Pinkston.
Duffey.	Pool.
Dunlap.	Pope.
Dunn.	Potter.
Durham.	Price.
Edwards.	Purl.
Fields.	Quinn.
Finlay.	Rice.
Fugler.	Rogers.
Gipson.	Rowland.
Greer.	Russell
Hardin of Erath.	of Callahan.
Harrington.	Sackett.
Harris.	Sanford.
Henderson	Shearer.
of Marion.	Shires.

Simpson.	Teer.
Sparkman.	Thompson.
Stell.	Thrasher.
Stevens.	Turner.
Stewart	Vaughan.
of Edwards.	Wallace.
Stewart of Jasper.	Wells.
Stewart of Reeves.	Westbrook.
Stiernberg.	Wessels.
Storey.	Williamson.
Strickland.	Wilmans.
Stroder.	Wilson.
Sweet.	Young.

Absent.

Baldwin.	Jones.
Barrett.	Lackey.
Bobbitt.	Laird.
Carter of Coke.	Lamb.
Chitwood.	LeSturgeon.
Davis.	Mathes.
Dielmann.	Melson.
Dodd.	Merriman.
Faubion.	Pate.
Frnka.	Patman.
Green.	Quaid.
Hardin	Robinson.
of Kaufman.	Russell of Trinity.
Henderson	Satterwhite.
of McLennan.	Smith.
Hughes.	Winfree.
Hull.	

Absent—Excused.

Blount.

Lusk.

A quorum was announced present.

#### ADJOURNMENT.

Mr. Moore moved that the House adjourn until 10 o'clock a. m. tomorrow out of respect to our deceased member, Hon. Lee J. Rountree.

Mr. Stewart of Reeves moved that the House adjourn until 9 o'clock a. m. tomorrow out of respect to our deceased member, Hon. Lee J. Rountree.

The motion of Mr. Stewart of Reeves prevailed, and the House, accordingly, at 10:40 o'clock a. m., adjourned until 9 o'clock a. m. tomorrow.

#### FIFTEENTH DAY.

(Friday, May 4, 1923.)

The House met at 9 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Seagler.

The roll was called and the following members were present:

Abney.	Lane.
Amsler.	LeMaster.
Arnold.	LeSturgeon.
Atkinson.	Lewis.
Avis.	Loftin.
Baker of Milam.	Looney.
Baker of Orange.	McBride.
Baldwin.	McDaniel.
Barker.	McDonald.
Barrett.	McFarlane.
Beasley.	McKean.
Bell.	McNatt.
Bird.	Martin.
Bobhitt.	Mathes.
Bonham.	Maxwell.
Bryant.	Melson.
Burmeister.	Merritt.
Cable.	Miller.
Carpenter	Montgomery.
of Dallas.	Moore.
Carpenter	Morgan
of Matagorda.	of Liberty.
Carson.	Morgan
Carter of Hays.	of Robertson.
Coffee.	Pate.
Collins.	Patman.
Covey.	Patterson.
Cowen.	Perdue.
Crawford.	Pool.
Culp.	Pope.
Davenport.	Potter.
Davis.	Price.
DeBerry.	Purl.
Dielmann.	Quaid.
Dinkle.	Quinn.
Dodd.	Rice.
Downs.	Robinson.
Driggers.	Rogers.
Duffey.	Rowland.
Dunlap.	Russell
Dunn.	of Callahan.
Durham.	Russell of Trinity.
Edwards.	Sackett.
Fields.	Sanford.
Finlay.	Satterwhite.
Frnka.	Shearer.
Fugler.	Shires.
Gipson.	Simpson.
Green.	Smith.
Greer.	Sparkman.
Hardin of Erath.	Stell.
Harrington.	Stevens.
Harris.	Stewart
Henderson	of Edwards.
of Marion.	Stewart of Jasper.
Henderson	Stewart of Reeves.
of McLennan.	Stiernberg.
Hendricks.	Storey.
Houston.	Stroder.
Hull.	Sweet.
Irwin.	Teer.
Jacks.	Thompson.
Jennings.	Thrasher.
Johnson.	Turner.
Kemble.	Vaughan.
Lackey.	Wallace.
Laird.	Wells.

Westbrook.	Wilson.
Wessels.	Winfree.
Williamson.	Young.
Wilmans.	

Absent.

Carter of Coke.	Hughes.
Chitwood.	Lamb.
Hardin	Pinkston.
of Kaufman.	Strickland.

Absent—Excused.

Blount.	Jones.
Faubion.	Lusk.
Howeth.	Merriman.

A quorum was announced present.  
Prayer was offered by Rev. J. C. Mitchell, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of sickness:

Mr. Jones for today and tomorrow, on motion of Mr. Quaid.

Mr. Dinkle for last Wednesday, on motion of Mr. Beasley.

Mr. Howeth for today, on motion of Mr. McBride.

Mr. Faubion for yesterday and today, on motion of Mr. Shearer.

## HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

By Mr. Carter of Hays:

H. B. No. 128, A bill to be entitled "An Act to amend Section 2 of Chapter 146, Special Laws of the Thirty-third Legislature, Regular Session, 1913, relating to the powers and privileges of the Kyle Independent School District, as amended by the Thirty-sixth Legislature, Regular Session, 1919, Chapter 35, Local and Special Laws, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Carter of Hays:

H. B. No. 129, A bill to be entitled "An Act to amend Section 6 of Chapter 19, Special Laws of the Thirty-second Legislature, First Called Session, 1911, relating to the powers and privileges of the Buda Independent School District, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. DeBerry:

H. B. No. 130, A bill to be entitled "An Act concerning the signing and execution of bonds and coupons of any county, city, political subdivision, defined district or school district of the State of Texas, validating all such bonds and coupons signed by the duly authorized officers who were such officers at the time of signing same, notwithstanding any changes in office subsequent to their execution and before their delivery, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Loftin:

H. B. No. 131, A bill to be entitled "An Act fixing the compensation of county commissioners in counties having a population of not less than sixteen thousand seven hundred and fifty nor more than seventeen thousand five hundred, according to the last United States census, and which have an area of not less than eleven hundred and fifty square miles, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Harrington:

H. B. No. 132, A bill to be entitled "An Act to incorporate Farmersville Independent School District in Collin county, Texas, for free school purposes only; defining its boundaries; divesting the city of Farmersville of the control of its public free schools and of its school property and vesting the same in said independent school district and its board of trustees; providing that all funds belonging or owing to said city schools inure to the benefit of said independent school district and that all contracts made by the board of trustees of said city schools shall be carried out by the board of trustees of said independent school district, but that said district shall never be liable for any indebtedness of said city; providing for a board of trustees for said district and describing the rights, powers and duties of said independent school district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Harrington:

H. B. No. 133, A bill to be entitled "An Act to create the Plano Independent School District in Collin county, Texas, including the present Plano Independent School District and the Finger-ring Common School District of said

county; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges, and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the present Plano Independent School District shall continue to act as such until their successors are elected as provided herein; divesting the city of Plano of the control of the public schools of the district, as created by this act, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Lewis:

H. B. No. 134, A bill to be entitled "An Act relative to reserves and reserve funds of banks and institutions, corporations and concerns doing a banking business; providing that where the same are required by law to keep a reserve or reserve fund that such reserve or reserve fund may consist in whole or in part of State warrants, school district warrants, city, town or village warrants for school purposes, or county or common school district warrants for school purposes, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Stewart of Reeves:

H. B. No. 135, A bill to be entitled "An Act creating the Balmorhea Independent School District in Reeves county, Texas; defining its boundaries; including the present Common School District No. 4; providing for a board of trustees in said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in La Loma Common School District No. 4; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Stewart of Reeves:

H. B. No. 136, A bill to be entitled "An Act amending Section 1 of Chapter 26, Local and Special Laws of the Thirty-seventh Legislature, passed at its First Called Session, redefining the boundaries of Sheffield Independent School District in Pecos county, Texas, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Abney:

H. B. No. 137, A bill to be entitled "An Act creating the Gladewater County Line Independent School District in Gregg and Upshur counties, Texas; defining its boundaries; providing for a board of trustees of said district; conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof, including power to extend its boundaries; providing that all bonds heretofore voted in said district shall remain in full force and effect against the territory of said district which voted same; providing for the assumption of said bonds by said district; providing for payment of its proportion of the bonded indebtedness of Union Grove Common School District; providing for appointment of tax assessor and collector and board of equalization, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Wells and Mr. Carpenter of Matagorda:

H. B. No. 138, A bill to be entitled "An Act releasing the inhabitants of and property in Wharton county, comprising one district, and that portion of Matagorda county embraced in Commissioners' Precincts Nos. 1, 2 and 4, as described in the minutes of the commissioners court of said county, comprising another district, for a period of twenty-five years, from the payment of taxes levied for State purposes because of great public calamities in said counties, as provided in Section 10 of Article VIII of the State Constitution, and providing that each district above defined, respectively, shall be organized into a conservation and reclamation district,

and shall vote bonds of such district to prevent the recurrence of such calamities, and in case of the failure of either of said districts to organize and to vote such bonds by or before October 1, 1924, said act shall become null and void, and said taxes shall be collected in the usual manner and paid into the public treasury, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Jones:

H. B. No. 139, A bill to be entitled "An Act to amend Section 2 of House bill No. 606 of the Laws passed at the Regular Session of the Thirty-eighth Legislature, 1923, by changing the time and terms of holding court in the Sixty-third Judicial District so that Section 2 of said act shall hereafter read as follows, and declaring an emergency."

Referred to Judiciary Committee.

By Mr. McNatt et al.:

H. B. No. 140, A bill to be entitled "An Act providing for the licensing of chiropractors, for registering license granted to chiropractors and certain sworn statements required to be made by chiropractors, and providing for the duty of the county clerk in reference thereto; providing for the introduction of certain records and certain copies thereof in evidence and the effect of such evidence; defining the practice of chiropractic; providing for penalties for the violation of this act; providing for and creating a State board of chiropractor examiners, its appointment, and defining the powers and duties of such board; providing for the qualification of its members, their term of office, the election of its officers, its meetings and the keeping of certain records pertaining to its proceedings; providing for fees to be paid by applicants for license and by licensed chiropractors; the disposition to be made of such fees, the suspending of licensees' license upon failure to pay certain fees; providing for the subjects in which applicants for license shall be examined, those entitled to examination and the manner of conducting such examination; providing for the right to practice chiropractic in the State of Texas, and the making of death and other certificates; providing for the refusing of the right to practice chiropractic to certain classes of persons; providing for the revocation of license to practice chiropractic of cer-

tain classes of persons; defining the word 'board' as used in this act; providing for penalties for the violation of this act; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Jennings:

H. B. No. 141, A bill to be entitled "An Act authorizing and empowering the City of Perryton, in Ochiltree county, Texas, to close certain streets; to narrow and reduce in width certain other streets; to, by ordinance, make provision for settlement and adjustment of property rights with owners of property adjacent to and affected by said changes, and validating all ordinances by said city heretofore passed in connection therewith."

Referred to Committee on Municipal and Private Corporations.

By Mr. Rogers:

H. B. No. 142, A bill to be entitled "An Act to authorize the commissioners court of the various counties of the State of Texas to employ one or more nurses for the purpose of assisting in the promotion of public health, visiting and inspecting the pupils of the public schools, and to appropriate public funds in payment thereof."

Referred to Committee on Public Health.

By Mr. Rogers:

H. B. No. 143, A bill to be entitled "An Act to extend for a period of two years from the passage of this act, oil and gas permit No. 2609, issued June 11, 1918, in San Jacinto Bay, Harris county, Texas, said extension to be upon the same terms and conditions on which the original permit was issued, except the owners who may desire to take advantage of this act, shall pay into the General Land Office, within thirty days after the taking effect of this act, twenty-five cents per acre in the permit and fifty cents per acre within one year thereafter, and annually thereafter the sum of one dollar per acre so long as they may desire to hold same, or until oil or gas shall have been developed in paying quantities and a lease obtained therefor, providing for forfeiture, and declaring an emergency."

Referred to Committee on Oil, Gas and Mining.

By Mr. McBride:

H. B. No. 144, A bill to be entitled "An Act creating the Hopewell Independent School District in Smith county, Texas; defining its boundaries, including the present Common School District No. 24; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore vested in Hopewell Common School District No. 24; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Baker of Milam and Mr. Morgan of Liberty:

H. B. No. 145, A bill to be entitled "An Act abolishing the State Reclamation Department of the State of Texas, and the office of the State Reclamation Engineer, and transferring the authority and powers, duties and functions of said State Reclamation Department to the Board of Water Engineers of the State of Texas; making available to the Board of Water Engineers all appropriations for the State Reclamation Department, or authorized to be expended by said State Reclamation Engineer in the performance and exercise of the duties, powers, authority and functions transferred by this act, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Hendricks:

H. B. No. 146, A bill to be entitled "An Act to create a committee on economy to direct an inquiry into the organization, structure and the manner and methods of administration of the various executive departments of the State government, including all offices, boards, commissions and institutions, and to make recommendations to the Thirty-ninth Legislature concerning the same; providing for appointment of

members from the House and Senate; setting forth the powers of said committee; making an appropriation, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Morgan of Liberty:

H. B. No. 147, A bill to be entitled "An Act to amend Chapter 74, Special Laws passed at the Regular Session of the Thirty-seventh Legislature, redefining the boundaries of the Hull Independent School District of Liberty county, Texas, providing for a board of trustees to manage and control the public free schools within said district, and investing the said district with the rights, powers, authority, jurisdiction, privileges and duties of a town or village incorporated for free school purposes only under the general laws; locating the high school within said district and limiting the amount that may be expended for buildings in any other part of the district; prescribing causes for removal of school trustees of said district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Jennings:

H. B. No. 148, A bill to be entitled "An Act creating the Darrouzett Independent School District in Lipscomb county; defining its boundaries to be the same as of Common School District No. 20; providing for a board of trustees for said district; conferring upon said district and its board of trustees all the rights, powers, privileges, and duties now conferred and imposed by the general laws of Texas upon independent school districts and the boards of trustees thereof; providing that the present board of trustees of said Common School District No. 20 shall continue in office until the next regular election, as provided for under the general laws, or until their successors are elected and qualified; declaring the maintenance tax and the bond tax heretofore authorized in said Common School District No. 20 to be valid and binding upon said independent school district; providing for an assessor and fixing his powers, duties, bond and compensation; providing for the levying, assessing and collecting of taxes for the current year, and annually thereafter; providing that all bonds, obligations, contracts and indebtedness legally existing against Common School District No. 20 are imposed upon the Dar-

rouzett Independent School District; providing for the collection of taxes by the county tax assessor and collector; applying the general laws when a matter is not expressly provided for by this act, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Jennings:

H. B. No. 149, A bill to be entitled "An Act amending Article 7015 of Chapter 9, Title 119, of the Revised Civil Statutes of Texas of 1911, relating to the building of toll bridges, giving commissioners courts the power of levying amount of tolls, limiting the number of years the builder shall control such bridges and providing for upkeep of bridges; extending the provisions of this article so that counties with a population of 10,000 or less may contract for a period not to exceed fifteen years, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Jennings:

H. B. No. 150, A bill to be entitled "An Act creating the Indian Creek Independent School District in Roberts county, Texas, and defining its boundaries; providing for the creation of a board of trustees to manage and control the public free schools within said district; their mode of election and tenure of office; conferring upon said trustees all the rights, powers and privileges and imposing all the duties now conferred and imposed by the general laws of the State upon independent school districts and the board of trustees; providing for the raising of revenues, issuing bonds, and levying, assessing and collecting taxes, for building and maintaining public free schools in said district; providing for the appointing of a board of equalization; providing for the filling of vacancies of such board; for the election of superintendents and other employes, and the compensation of the members of said board; for a seal and its use and for the administration of oaths by the president and secretary; for the assessment and collection of taxes, and the regulation of same, for the maturity and for a lien and foreclosure upon the property for taxes; adopting the provisions of existing and hereinafter enacted State laws; providing for all laws in conflict herewith are repealed and that invalidity of any por-

tion hereof shall not impair the remainder of this act."

Referred to Committee on School Districts.

By Mr. Rogers, Mr. Arnold, Mr. Cowen, Mr. Turner and Mr. Winfree:

H. B. No. 151, A bill to be entitled "An Act creating and incorporating the Humble Independent School District in Harris county, out of the territory now composing Common School District No. 50 of said county; providing that the title of the school property vested in Common School District No. 50 shall vest in said Humble Independent School District and that said independent school district assume the debts of said Common School District No. 50; providing for a board of trustees of said Humble Independent School District; providing the time and manner of their election; defining their powers and duties, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Moore, Mr. Sackett, Mr. Maxwell, Mr. Covey, Mr. Driggers, Mr. Beasley, Mr. Culp, Mr. Dunn and Mr. Westbrook:

H. B. No. 152, A bill to be entitled "An Act to create the State Board of Agriculture; providing for the appointment of the members of said board; providing for the appointment by said board of a commission; defining the powers and duties of said board and commission; providing the term of office of the members of the said board and for the members of the commission; providing for mileage and per diem of the board, and making an appropriation therefor; providing for salaries of the commission; providing for the appointment of a chief clerk and fixing his salary; providing for qualifications of the members of the board and the commission; providing for meetings of board; providing for bond and oath of office for the members of the commission; providing for the transfer of the duties of the Commissioner of Agriculture, Live Stock Sanitary Commission and Commissioner of Markets and Warehouses to the Board of Agriculture and Commission of Texas; transferring the edible nuts division of the Agricultural Department to the A. and M. College; transferring the Feed Control, the Foul Brood Control and the Commercial Fertilizer Control to the Agricultural Commission of Texas; requiring annual reports; repealing Articles 4435, 4436,

Chapter 6, Title 65, Revised Civil Statutes, 1911; repealing Article 7312, Chapter 8, Title 124, Revised Civil Statutes, 1911; repealing Section 2, Chapter 41, First Called Session, Thirty-fifth Legislature; abolishing the Department of Agriculture and the office of the Commissioner thereof, the Live Stock Sanitary Commission of Texas and the office of Commissioners thereof and the Department of Markets and Warehouses, and the office of Commissioner thereof; providing for office space and equipment, and transferring appropriations, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Smith:

H. B. No. 153, A bill to be entitled "An Act to amend Articles 2078 and 2087 of Chapter 20, Title 37, of the Revised Civil Statutes of Texas, 1911, providing for appeals and writs of error to the Courts of Civil Appeals."

Referred to Judiciary Committee.

By Mr. Duffey and Mr. Edwards:

H. B. No. 154, A bill to be entitled "An Act to amend Section 3 of House bill No. 565, enacted by the Thirty-eighth Legislature at the Regular Session, being 'An Act to reorganize the Thirtieth and Sixteenth Judicial Districts, and to create the Ninety-second Judicial District,' etc., so as to revise the time and dates of holding the terms of court provided for in the counties of Cooke and Denton, comprising the Sixteenth Judicial District, said Section 3 of said act hereafter to read as set out below; providing that all process and writs heretofore issued, and all recognizances and bonds heretofore made and executed and returnable to existing terms of the districts courts in the counties composing said district, together with jurors heretofore selected are valid and returnable to the first term of such court after this act takes effect, and providing for the continuation of the existing district courts in said counties in session when this act takes effect to the ends of their terms; repealing all laws or parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Judicial Districts.

By Mr. LeMaster and Mr. Maxwell:

H. B. No. 155, A bill to be entitled "An Act providing for the collection of registration fees upon all instruments

evidencing the organization of concerns other than private corporations, designed to conduct any business or acquire or hold any property without full individual liability upon the part of all members and holders of interests therein, and for the collection of annual excise taxes from all such concerns, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Bonham:

H. B. No. 156, A bill to be entitled "An Act repealing Chapter 17, Local and Special Laws, enacted by the First Called Session of the Thirty-sixth Legislature, entitled 'San Patricio County Road System—Creating,' and providing that the general laws of the State of Texas relating to working public roads, appointing overseers, the issuance of bonds for the construction of public roads, shall be applicable to San Patricio county, validating all defined road districts defined, created and established under and by virtue of said San Patricio County Special Road Law, as well as the road bonds issued thereunder, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Bonham:

H. B. No. 157, A bill to be entitled "An Act creating the Adams Independent School District in San Patricio county, Texas; defining its boundaries, providing for the election of a board of trustees to manage and control the public free schools within said district, vesting said district with all the powers, rights and duties of independent school districts created for free school purposes only; providing for the assumption by said district of all existing indebtedness of the territory embraced within the said district hereby created, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Morgan of Liberty:

H. B. No. 158, A bill to be entitled "An Act to facilitate the marketing and distribution of the natural resources of the State, and the products manufactured therefrom, by extending the right of condemnation to certain corporations, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Culp:

H. B. No. 159, A bill to be entitled "An Act to amend Section 2 and Section 10 of House bill No. 13, passed at the Regular Session of the Thirty-eighth Legislature, relating to the regulation, licensing and bonding of private employment agents so as to exempt from the operation of said bill those agents engaged in the business of securing employment for school teachers, and declaring an emergency."

Referred to Committee on Education.

By Mr. Sackett:

H. B. No. 160, A bill to be entitled "An Act to repeal an act passed at the Regular Session of the Thirty-eighth Legislature, being House bill No. 578, Chapter 46, of the Special Laws of the Thirty-eighth Legislature of the State of Texas, entitled 'An Act to amend an act passed at the Regular Session of the Thirtieth Legislature, known as House bill No. 470 and approved April 4, 1907, entitled "An Act creating an independent school district, to be known as the Coleman Independent School District, including within its limits the municipal corporation of the town of Coleman, and to provide for the creation of a board of trustees thereof, and authorizing the board of trustees to levy, assess and collect special taxes, and conferring upon the board of trustees plenary powers and authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to pay current expenses in the maintenance and support of said schools, and further prescribing the duties and authorities of said board," so as to hereafter read as follows, and extending and defining its boundaries, and including within its limits the municipal corporation of the city of Coleman, and to provide for the creating of a board of trustees thereof, and to authorize the board of trustees to levy, assess and collect special taxes, and provide authority to issue bonds for the purpose of purchasing school sites, and erecting, furnishing and equipping school buildings within the same, and to levy a tax therefor, and to pay all current expenses for the maintenance and support of said school, declaring valid all issues of bonds heretofore voted, and repealing all laws in conflict herewith in so far as they conflict with this act, and declaring an



emergency,' reviving former laws, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Jennings:

H. B. No. 161, A bill to be entitled "An Act to amend Section 1 of House bill No. 115, enacted by the Third Called Session of the Thirty-sixth Legislature, approved June 17, 1920, amending and revising the metes and bounds of the Miami Independent School District in Roberts county, adding additional territory thereto, and exempting same from present outstanding bonded indebtedness of said Miami Independent School District, continuing the present trustees in office, validating levies of taxes heretofore made, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Sanford:

H. B. No. 162, A bill to be entitled "An Act to amend Article 6901a, Chapter 1, Title 119 of the Revised Statutes of 1911, as enacted by Chapter 29 of the General Laws of the Fourth Called Session of the Thirty-fifth Legislature, and as amended by Chapter 98, General Laws, Regular Session, Thirty-sixth Legislature, and as amended by Senate bill No. 268, enacted at the Regular Session of the Thirty-eighth Legislature; such article of the statute relating to compensation of county commissioners; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Counties.

By Mr. Rogers, Mr. Cowen, Mr. Winfree, Mr. Arnold and Mr. Turner:

H. B. No. 163, A bill to be entitled "An Act making an appropriation to be used in the erection of a monument in the city of Houston in memory of Sam Houston, who headed the military forces in Texas' struggle for freedom, and who was president of the Republic of Texas and later Governor of Texas; said appropriation to be used, together with other funds, for said purpose from private donations; providing the means, agencies and expenditure of said fund and erection of the monument, and declaring an emergency."

Referred to Committee on Appropriations.

By Mr. Burmeister:

H. B. No. 164, A bill to be entitled "An Act to amend Section 5, Chapter 87, of the Acts of the Thirty-fifth Legislature of the State of Texas, by providing for ordering of elections by the commissioners court for the organization of water improvement districts; providing the questions to be submitted at such elections, and to amend Section 7, Chapter 87, of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature of the State of Texas; providing for the manner of conducting elections provided for in said Chapter 87; providing the qualifications for voters at such elections; prescribing the duties of the commissioners court in canvassing the returns of such vote; the creation of water improvement districts; providing for the division of the proposed district into one or more election precincts; and providing polling places in such voting precincts; the appointment of judges and clerks to hold such election; providing method of filling places on said election board; providing for printing of ballots and the matter to be contained thereon; and amending Section 9 of Chapter 87 of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas as amended by Chapter 28, Second Called Session of the Thirty-sixth Legislature of the State of Texas, by providing for returns to be made by the officers of such election; the canvass and return showing the results of such election; the establishment of districts and making records thereof; the issuance of notes of said district for the purpose of defraying expenses of the organization, investigation, engineering, issuance of bonds, making and filing of maps and reports, all legal expenses connected therewith and all other costs and expense authorized and made necessary by the provisions of this law; to sell said notes and for the levy and collection of taxes to provide for their payment; and to canvass votes for the directors; and declaring of result; and to amend Section 57, Chapter 87, of the Acts of the Regular Session of the Thirty-fifth Legislature of the State of Texas, as amended by Chapter 28 of the Acts of the Thirty-sixth Legislature, Second Called Session, providing for the issuance of bonds; and execution of contracts with the United States govern-

ment; providing for the issuance of bonds sufficient to pay the first three years interest accruing on the bond issue authorized; and exempting the property situated in the district from taxes for that period except in an amount sufficient to pay the notes provided for in Section 3 of this amendment; providing for the limitation of the amount of bonds to be issued by the district organized under Article 52, Section 3, of the Constitution; and exempting districts organized under Section 59, Article 16, of the Constitution from such limitation; providing for the issuance of bonds for supplemental and additional improvements, or supplemental contracts with the United States, and the purchase of additional improvements where the same is found necessary by the directors; and the issuance of notices for elections to be held to authorize issuance of such additional bonds, or the making of supplemental contracts; providing for the issuance of bonds or notes to run not to exceed twenty years for the purpose of repairing damages to the improvements in the district where such damages have occurred; and providing for elections and notices of such election where such supplemental bond issues are made; limiting amount of notes to be issued; and providing for the payment of interest thereon to create a sinking fund with which to pay said notes at maturity, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Barker:

H. B. No. 165, A bill to be entitled "An Act to validate Simons Common School District No. 7 in Grayson county, Texas, as redefined and re-established by order of the county school trustees of Grayson county, Texas, on February 12, 1923, and Common County Line School District No. 8, as redefined and re-established by an order of the county school trustees of Grayson county, Texas, on February 12, 1923, and by an order of the county school trustees of Collin county, Texas, on February 13, 1923, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Stewart of Edwards, Mr. Bonham, Mr. Durham, Mr. Williamson, Mr. LeSturgeon and Mr. Bird:

H. B. No. 166, A bill to be entitled "An Act relative to State parks; cre-

ating a State Parks Board to investigate prospective park sites in the State and report to the Legislature with recommendation; authorizing the board to solicit and accept donations of land for State park purposes; making an appropriation for expenses of the board; providing that localities may pay expenses of the board in visiting such locality to investigate and inspect land for park purposes, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Melson and Mr. Pope:

H. B. No. 167, A bill to be entitled "An Act abolishing the Live Stock Sanitary Commission of the State of Texas and the office of each and every member thereof; conferring the authority, power, duties and functions of said Commission and the members thereof upon the Commissioner of Agriculture of the State of Texas; making available to the Commissioner of Agriculture all appropriations made by the Legislature for said Live Stock Sanitary Commission and the members thereof; conferring upon the Commissioner of Agriculture power to dispense with any of the work or employes where to do so would prevent duplication of work or contribute to efficiency and economy, and declaring an emergency."

Referred to Committee on Stock and Stock Raising.

By Mr. Melson and Mr. Pope:

H. B. No. 168, A bill to be entitled "An Act abolishing the Markets and Warehouse Department, and the Weights and Measures Department, and conferring all authority, powers, duties, functions, rights and liabilities of the Commissioner of Markets and Warehouses, and of said Markets and Warehouse Department and Weights and Measures Department upon the Commissioner of Agriculture; abolishing the board, consisting of the Governor, Commissioner of Agriculture and the Commissioner of Insurance and Banking, created by Chapter 5, General Laws of the Second Called Session of the Thirty-third Legislature, and vesting the powers and duties of said board in the Commissioner of Agriculture; conferring the powers and duties of the Commissioner of Insurance and Banking relative to warehouses, upon the Commissioner of Agriculture, except such as are conferred by Chapter 3, General Laws, Second Called Session of the Thirty-third Leg-

islature; conferring power and authority upon the Commissioner of Agriculture to administer the provisions of Chapter 5, General Laws, Second Called Session of the Thirty-third Legislature; Chapter 41, General Laws, First Called Session of the Thirty-fifth Legislature, and Chapter 116 of the General Laws, Regular Session, Thirty-sixth Legislature, or so much of said statutes as are in force; transferring the appropriations of the Markets and Warehouse Department and the Weights and Measures Department to the Commissioner of Agriculture; providing that this act shall take effect September 1, 1924, and declaring an emergency."

Referred to Committee on Agriculture.

By Mr. Melson:

H. B. No. 169, A bill to be entitled "An Act changing the method of managing the business affairs of the State; abolishing the State Board of Control; repealing all laws relating thereto, except as herein specially provided, and reviving any and all laws which now stand repealed by reason of the acts relating to such Board of Control so as to impose the duties, functions, powers and authority of the Board of Control and its members on the proper officials, boards and agencies; making provision for performance of certain services now performed by said Board of Control; enacting the necessary provisions to carry out the purpose of the act, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Melson and Mr. Pope:

H. B. No. 170, A bill to be entitled "An Act reapportioning certain authority, powers and functions as between the Commissioner of Agriculture of the State of Texas and the Agricultural and Mechanical College and its agencies relative to concentrated feedstuffs, commercial fertilizers, farmers' institutes, forestry, protection, management and replacement, protection of honey bees against foul brood and other contagious diseases, and money collected by said commissioner or college or its agencies; authorizing said commissioner and college to do any and all work necessary in the performance of their duties and functions; providing for the installation and equipment of a chemical laboratory to make such analyses as may

be required and making an appropriation therefor, and for the further administration of this law."

Referred to Committee on Agriculture.

By Mr. Melson and Mr. Pope:

H. B. No. 171, A bill to be entitled "An Act relative to the fiscal affairs of the State government; providing for regular audits of the books, records and accounts of the State government through the Comptroller's Department and for special audits by the Governor; providing for the biennial budget to be furnished by the Governor and estimates and information to be furnished the Governor for that purpose; providing for careful audits of accounts by Comptroller before issuing warrants; providing against unlawful or fraudulent accounts being paid; requiring all accounts to be sworn to; declaring the rule of construction of appropriation acts as to priority of payment, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Maxwell:

H. B. No. 172, A bill to be entitled "An Act creating the Parks Independent School District in Stephens county, Texas; defining its boundaries; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the appointment of a tax assessor and collector and board of equalization for said district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Sackett (by request):

H. B. No. 173, A bill to be entitled "An Act amending statutes relative to primary elections by amending Article 3084 of the Revised Civil Statutes of the State of Texas of 1911 so as to authorize the nomination by parties casting not more than one hundred thousand votes for their nominee for

Governor at the next preceding general election, to nominate candidates from Texas for the United States Senate as is permitted by Articles 3159, 3160, 3161, 3162 and 3163 of the Revised Civil Statutes of the State of Texas of 1911."

Referred to Committee on Privileges, Suffrage and Elections.

By Mr. Downs:

H. B. No. 174, A bill to be entitled "An Act to amend Article 7629 of the Revised Civil Statutes of 1911, pertaining to credits allowed tax collectors for unpaid taxes reported or returned by them as delinquent or insolvent."

Referred to Committee on Revenue and Taxation.

By Mr. Downs:

H. B. No. 175, A bill to be entitled "An Act to amend subdivision 5 of Article 7618 of the Revised Civil Statutes of 1911 as amended by Chapter 124, page 190, General Laws, Regular Session, Thirty-fourth Legislature, approved March 22, 1915, pertaining to the collection of delinquent taxes and insolvent taxes, and making reports of same by county tax collectors."

Referred to Committee on Revenue and Taxation.

By Mr. Covey:

H. B. No. 176, A bill to be entitled "An Act to create the Truscott Independent School District in Knox county, Texas, including the Truscott Independent School District, as created by the Thirty-sixth Legislature, Regular Session; providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this act and the general laws of Texas, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Johnson:

H. B. No. 177, A bill to be entitled "An Act to regulate and supervise and prevent fraud in the sale, purchase and disposition in the State of Texas of stocks, stock certificates, bonds, deben-

tures or other securities and the transaction of business in this State of persons, joint stock companies, brokers, agents, co-partnerships or other companies, individuals or other organizations, offering for sale or selling in this State such securities, excepting companies incorporated under the laws of the State of Texas, granting additional authority and power to the Railroad Commission of Texas and placing the administration of this act under its control and supervision; defining what shall constitute violations of this act and fixing penalties and punishments therefor; making appropriations to carry out the provisions of this act; specifying that this act shall be known and cited as the 'Blue Sky Law of Texas'; repealing all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. Miller:

H. B. No. 178, A bill to be entitled "An Act creating Herring Hightower County Line Independent School District, embracing therein territory in Parker and Hood counties, defining its boundaries, and its powers and authority and providing for its organization under the general laws."

Referred to Committee on School Districts.

By Mr. Potter and Mr. McNatt:

H. B. No. 179, A bill to be entitled "An Act authorizing independent school districts to employ their own tax assessors and to have their taxes collected by the county tax collector without being required to have their assessments made at the same valuations that are used for State and county taxation, and repealing all laws and parts of laws in conflict with this act, and declaring an emergency."

Referred to Committee on Education.

By Mr. Bryant:

H. B. No. 180, A bill to be entitled "An Act taking certain territory from Common School District No. 22 in Hall county and transferring the same to Common School District No. 6 in Hall county; providing for an election at which the qualified taxpaying voters of said Common School District No. 6 as thus enlarged may determine whether it shall assume and be taxed to pay the pro rata portion of the taxes which the said added territory may be subject to on account of any outstanding

schoolhouse bond issues previously made by said district No. 22; and whether the property in said Common School District No. 6, as enlarged, shall be subject to any special school taxes previously voted by said district; and whether the property of such district as so enlarged shall be subject to taxes for the support of any previous bond issue by said Common School District No. 6; providing for the defining of the boundary lines of said district as thus enlarged; specifying the jurisdiction which the county board of trustees shall have with respect to the boundaries of the territory of such enlarged district, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Mathes:

H. B. No. 181, A bill to be entitled "An Act validating Common School District No. 3 of Bailey county as defined and attempted to be created by the county board of school trustees of Bailey county on February 14, 1921, and validating all bond issues and special taxes which may have been voted by said district, and providing for an election to adjust all territory therein contained or which may have been added to said district by the said order, to taxes which may have been theretofore levied upon the property of said Common School District No. 3 and for an assumption by said common school district of the pro rata of taxes to which any territory added to said district by said order of February 14, 1921, may be subject by reason of any outstanding bond issue or issues previously voted by any school district or school districts of which such added territory may have heretofore formed part, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Turner, Mr. Winfree, Mr. Arnold, Mr. Rogers and Mr. Cowen:

H. B. No. 182, A bill to be entitled "An Act to amend Section 10 of Chapter 3 of the General Laws of the State of Texas, enacted by the Third Called Session of the Thirty-third Legislature, approved October 19, 1914, by adding a subdivision thereto to be designated (d4), providing that liabilities incurred under the provisions of the Federal 'Agricultural Credits Act of 1923' shall not be taken into account in determining the amount of indebtedness or liability of banking corporations incorpo-

rated under the laws of this State, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Turner, Mr. Winfree, Mr. Arnold, Mr. Rogers and Mr. Cowen:

H. B. No. 183, A bill to be entitled "An Act to provide for the organization of corporations for the purpose of borrowing and loaning money to their members only and for the discount and rediscount of notes, or other evidence of indebtedness, for their members, and authorizing such corporations to become endorsers on notes or other evidences of indebtedness of their members, providing that such notes or other evidences of indebtedness are made for the purposes provided in the Federal 'Agricultural Credits Act of 1923,' and for the purpose of loaning money to their member stockholders, where the money is to be used for the production, or production and marketing of staple agricultural productions, or for the raising, breeding, fattening or marketing of live stock, and the purchase and payment for capital stock of such corporation; providing that no corporation shall be organized under the provisions of this act with a capital stock of less than \$10,000, all of which shall be fully paid in at the time of filing the articles of incorporation, and such capital stock shall be invested in securities approved for investment by savings banks under the laws of Texas; and providing that such corporations shall by their by-laws provide for the automatic increase of their capital stock, and authority is given for such automatic increase, providing that such capital stock shall be increased at the rate of ten per centum of the amount of loans made by such corporations; and providing that such corporations shall not make loans in excess of ten times their unimpaired capital stock represented by that part of its capital automatically increased; and providing such corporations may by their articles of incorporation provide for preferred and common stock, and if provision be made for preferred stock the articles of incorporation shall provide for payment of dividends thereon, and for the retirement of both classes of stock; and providing that banking or other corporations, except savings banks, may, upon the approval of the Commissioner of Banking and Insurance, first had and obtained, invest in the preferred stock of such corporations; and providing also the requirements to

be set out in the articles of incorporation of such corporations; and providing for the filing of reports with the Secretary of State and the payment of fees therefor, and defining the liability of stockholders, preferred or common, for the debts or engagements of such corporations; and providing the maximum amount of interest; and providing for the suspension of the constitutional rule, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Turner, Mr. Winfree, Mr. Arnold, Mr. Rogers and Mr. Cowen:

H. B. No. 184, A bill to be entitled "An Act to enable the citizens of the State of Texas to avail themselves of the provisions of the act of Congress of the United States of America, approved March 4, 1923, and known as the Agricultural Credits Act of 1923, and to provide for the creation of private co-operative credit associations by citizens of the State of Texas engaged in the production or marketing of staple agricultural products or the raising, breeding, feeding, fattening or marketing of live stock; and providing that such co-operative credit associations shall have the power to borrow for and lend money to their members; to discount or rediscount for their members only, and to purchase, indorse and sell the notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted for their members only, and to purchase, indorse and sell the notes of its members, or such other evidences of indebtedness as may be discounted or rediscounted under the provisions of the Federal 'Agricultural Credits Act of 1923,' and under the terms, rules and regulations prescribed by the Federal Farm Loan Board and with such other and additional powers as are conferred upon associations generally organized under the laws of this State, where not in conflict with the express provisions hereof; authorizing such co-operative credit associations to be organized with or without capital stock, provided that such co-operative credit associations organized for the purpose of raising, breeding, feeding, fattening or marketing live stock shall not be organized hereunder with capital stock, the initial amount of which must be stated in the articles of incorporation and that the articles of incorporation shall provide that loans shall not be ob-

tained for, made to, or notes purchased of any person or corporation other than a stockholder in such association, and that each applicant for a loan or discount by such association shall become a subscriber to its capital stock in an amount equal to ten per centum of the amount of the loan or discount applied for and that upon or before the closing of such loan such capital stock shall be fully paid for; and providing that the capital stock of such associations shall be automatically increased with the increase of the loans and discounts of such associations and that the amount of loans and discounts by such associations shall never be in excess of ten times the amount of paid-up, unimpaired capital stock of such association; providing for the retirement of capital stock; providing that this act shall be cumulative of all other general laws of this State affecting corporations organized thereunder, and providing for the payment of fees for the filing of articles of incorporation of co-operative credit associations hereunder and for the making of quarterly and annual reports to the Secretary of State and the payment of fees upon filing of such reports and the exempting of such co-operative credit associations from the payment of any other license or franchise tax, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Melson and Mr. Maxwell:

H. B. No. 185, A bill to be entitled "An Act to amend Article 7407 of the Revised Civil Statutes of Texas of 1911, relating to the creation of a State Tax Board; fixing the annual salary of the State Tax Commissioner; providing that the provisions hereof with respect to such salary shall be superior to those of any other statute of this State conflicting therewith, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Sweet:

H. B. No. 186, A bill to be entitled "An Act to amend Sections 3 and 20 of House bill No. 13, passed at the Regular Session of the Thirty-eighth Legislature and approved by the Governor on February 28, 1923, and being 'An Act providing for the licensing, bonding and regulating of private employment agents; limiting the fee charged by such agents; providing for the can-

cellation of such license; prescribing the duties of the Commissioner of Labor Statistics for the State of Texas with reference to the enforcement of this act; providing for recoveries on said bond; fixing penalties for the violation of this act; creating a special fund for the enforcement of this act and appropriating same for said purposes; repealing certain laws and all laws or parts of laws in conflict herewith and declaring an emergency,' and to further amend said House bill No. 13 by adding after Section 20 thereof a new section to be known as Section 20a; the purpose of these amendments is to permit the issuance of licenses to residents of this State to engage in the business of employment agents; to remove discrimination against alien residents of this State who desire to engage in said business; to require certain statements to be made in application for license and to fix the amount and form of bond required to be given by those who are licensed to engage in the business; and to define certain offenses and prescribe penalties therefor; and to provide for restraining by injunction of any person or persons pursuing the business of employment agents or conducting an employment office without first having obtained a license therefor, and declaring an emergency."

Referred to Committee on Labor.

By Mr. Satterwhite:

H. B. No. 187, A bill to be entitled "An Act abolishing special funds in the State Treasury set aside therein for special and particular purposes and placing all moneys that are in such funds in the general revenue fund so that all moneys shall be paid out on general warrants on an equal basis, payable as to order of payment according to serial number; prescribing how such warrants shall be numbered serially; providing that this act shall not apply to special funds created and provided for in the State Constitution which the Legislature cannot place or make applicable to the general revenue fund as herein provided for other special funds, nor to special funds consisting of taxes remitted or donated to counties, cities or localities; enacting the necessary provisions so that the general revenue fund will get the benefit of any such special funds now on hand or to be collected, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Bryant:

H. B. No. 188, A bill to be entitled "An Act creating the Whiteflat Independent School District in Motley county, Texas; defining the boundaries thereof; vesting the management thereof in a board of seven trustees, providing for their election, and for the organization of the board; vesting said district with all the rights, powers, privileges and duties of a town or village incorporated under the laws of the State for free school purposes only; vesting the board of trustees with the rights, powers, privileges and duties conferred and imposed by the general laws of this State upon trustees of independent school districts incorporated under the general laws of the State of Texas; providing for the appointment of an assessor and collector of taxes and board of equalization; divesting the title to all property heretofore and now vested in Common School District No. 7, Motley county, Texas, out of said district, and vesting same in the board of trustees of Whiteflat Independent School District; declaring in full force and effect all maintenance tax heretofore voted or bonds heretofore issued by Common School District No. 7, Motley county, Texas, to be in full force and effect in so far as this act might affect them, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Morgan of Liberty:

H. B. No. 189, A bill to be entitled "An Act to amend Article 6863, Chapter 1, Title 119, of the Revised Civil Statutes of Texas, 1911, which article relates to the laying out and opening of first-class roads by the commissioners courts of the several counties, and prescribing certain regulations with reference thereto; removing the restriction contained in said article prohibiting the laying out of such roads across orchards, yards, lots or within one hundred feet of a residence without consent of the owner, and declaring an emergency."

Referred to Committee on Roads, Bridges and Ferries.

By Mr. Mathes:

H. B. No. 190, A bill to be entitled "An Act correcting the boundaries of the present Hale Center Independent School District; providing for payment of bonds issued by the present district; limiting area to be furnished free transportation, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Culp:

H. B. No. 191, A bill to be entitled "An Act requiring lying-in hospitals, wards in hospitals, maternity homes, and other buildings, rooms and other places owned, kept, conducted and operated for the reception, care and treatment of pregnant women for compensation to be provided with a proper operating room to be kept in sanitary condition and properly equipped with surgical instruments and appliances; prohibiting the State Board of Health from issuing a license to keep, conduct or manage such institutions which shall not have and keep in condition for use such operating room and equipment, and empowering the State Board of Health to inquire into and determine whether or not applicants for such license have provided their respective places with such operating room and equipment; making it a misdemeanor to keep, be concerned in keeping, or aid, assist, or abet in keeping such hospitals, maternity homes, and similar places and institutions which are not provided with such operating room, or without the operating room thereof being kept in proper condition and supplied with proper surgical instruments, appliances, and equipments, and fixing the punishment therefor; making it a misdemeanor for any person to solicit or receive money or property for receiving or adopting any illegitimate child, and fixing the punishment therefor; authorizing the State Board of Health to issue to persons of good character and of lawful age a license to solicit funds for the maintenance of homes and places for the care of infants born in maternity homes, lying-in hospitals, and other similar places; making it a misdemeanor for any person to solicit funds for said purpose without first having obtained license so to do, and fixing the punishment therefor, and declaring an emergency."

Referred to Committee on Public Health.

By Mr. Culp:

H. B. No. 192, A bill to be entitled "An Act amending Rule 36 of Article 4553a of the Revised Civil Statutes of 1911, as amended, so as to provide for sub-registrars to collect birth and death certificates to be forwarded to the county clerk monthly, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Culp:

H. B. No. 193, A bill to be entitled "An Act providing for keeping records of marriages and divorces and fees therefor; providing that the State Bureau of Vital Statistics shall keep a record of all marriages and divorces in this State; providing that county clerks shall keep a record of all marriage licenses issued by them on blanks furnished by the State Board of Health, fixing a fee for the same, and providing that he shall report monthly to the State Board of Health; providing that the district clerk shall keep a record of all divorces and report same on blanks furnished by the State Board of Health and fixing a fee for same; and prescribing a penalty therefor, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Jennings:

H. B. No. 194, A bill to be entitled "An Act to authorize and empower the Railroad Commission of Texas, upon complaint and after hearing, to award damages to shippers of goods, wares and merchandise between points in Texas where the Railroad Commission finds that the railroad, or other common carrier subject to the jurisdiction of the Commission transporting such freight has charged unjust and unreasonable rates therefor; providing for suits in courts of competent jurisdiction to enforce the award of damage found by the Railroad Commission upon the failure and, or refusal of the railroad, or other common carrier, to pay to the shipper the award so found; providing for reasonable attorney's fees in such suits where shippers prevail; providing that this act shall be cumulative of other laws regulating railroads and other common carriers and conferring jurisdiction upon the Railroad Commission, except in case of conflict; providing that one Commissioner, or a designated examiner, may hold all hearings and make a record thereof, upon which record the Commission may make its findings; providing that in the event any section of this act shall be declared unconstitutional that such finding shall not affect the remainder of the act, and declaring an emergency."

Referred to Committee on Common Carriers.



By Mr. Irwin, Mr. Morgan of Liberty, Mr. Patterson and Mr. Carpenter of Dallas:

H. B. No. 195, A bill to be entitled "An Act providing for the execution of convicts condemned to death by electrocution; prescribing the procedure in such cases; providing the means for accomplishing the purposes of this act, and making an appropriation therefor; prescribing fees to be paid; repealing certain statutes, with saving clauses, and all laws in conflict herewith, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. McFarlane:

H. B. No. 196, A bill to be entitled "An Act making it unlawful to deposit filth, trash, tin cans, rubbish and waste material of any nature in any public street, road or highway, or upon any private land or property; prescribing penalty for the violation of this act, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Baldwin:

H. B. No. 197, A bill to be entitled "An Act amending Section 8 of Chapter 44, Local and Special Laws of the Regular Session of the Thirty-eighth Legislature of the State of Texas, creating the Southland Independent School District in the counties of Garza, Lynn and Lubbock in the State of Texas, so as to change said section of said law to provide for the issuance of bonds for building purposes in said district to bear interest not to exceed 6 per cent per annum, and declaring an emergency."

Referred to Committee on School Districts.

By Mr. Lewis:

H. B. No. 198, A bill to be entitled "An Act to authorize any county or any political subdivision thereof which has been created or which shall hereafter be created into a reclamation or conservation district, or any district composed of one or more counties which has been created or that may hereafter be created as provided by law, or which has had its taxes remitted by the State for irrigation purposes, or in aid thereof, or for flood control or other reclamation purposes, to enter into a contract with the United States of America for the construction of works for which said district was created, taxes remitted or

bonds issued, and declaring an emergency."

Referred to Committee on Conservation and Reclamation.

By Mr. Mathes (by request):

H. B. No. 199, A bill to be entitled "An Act creating and incorporating the Quitaque Independent School District of Briscoe county, Texas, for free school purposes only, defining its boundaries, vesting it with all the rights, powers, duties and privileges of independent school districts under the general laws of Texas pertaining thereto; providing for a board of trustees, raising of revenue by taxation, issuing bonds and maintaining public free schools therein, vesting all lands, buildings and all other property now owned and held for free school purposes, by Quitaque Common School District, in the Quitaque Independent School District; providing that all outstanding indebtedness, whether bonded or otherwise, of the Quitaque Common School District, shall be validated and held a valid obligation against the Quitaque Independent School District, declaring valid a maintenance and bond tax heretofore voted by said Quitaque School District, and repealing all other acts and laws in conflict herewith."

Referred to Committee on School Districts.

By Mr. Irwin, Mr. Carpenter of Dallas and Mr. Houston:

H. B. No. 200, A bill to be entitled "An Act to create and provide for a Department of Banking for the State of Texas, separate from the Department of Insurance of this State; to provide for the appointment, term of office, official name, compensation and to prescribe the qualifications, powers and duties of the head of such department; providing for a seal of office; requiring of the Banking Commissioner of Texas an oath of office and a bond for the faithful discharge of his duties; providing for the appointment of a deputy Commissioner of Banking, defining his duties, fixing his compensation, requiring of him an oath of office and a bond for the faithful discharge of the duties of his office; providing clerical help for such department; providing for the appointment of State bank examiners, fixing their number, salaries and duties; providing for the number of examinations that shall be made by State examiners of State banks, fixing the fees

they shall be paid for such examinations and providing how payments for salaries and expenses of examinations shall be made; providing for the appointment of a departmental examiner, prescribing his duties and fixing his compensation; providing for the appointment of a general liquidating agent, prescribing his duties and fixing his compensation; amending Chapter 10, General Laws of Texas, passed by the First Called Session of the Twenty-ninth Legislature in 1905, being Senate bill No. 6, and amending Section 38 of said Chapter 10; amending Chapter 205, General Laws of the Thirty-fifth Legislature, passed at the Regular Session in 1917, and amending Section 5 of said Chapter 205; amending Chapter 15 of the Second Called Session of the Thirty-first Legislature passed in 1909, being Senate bill No. 4; amending Articles 518, 519, 521, 521a and 522, Revised Civil Statutes of 1911 and amendments thereof, as amended by the Acts of the Thirty-first Legislature at its Regular Session in 1909, being Section 44 of Chapter 15 of Senate bill No. 4, and Article 521a, Revised Civil Statutes of 1911 and amendments thereof, as amended by Chapter 205, Section 7, Acts of the Thirty-fifth Legislature at its Regular Session in 1917; repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

Referred to Committee on Banks and Banking.

By Mr. Maxwell, Mr. Culp, Mr. Burmeister, Mr. Beasley, Mr. Dunn, Mr. Rountree, Mr. Irwin, Mr. Young and Mr. Dielmann:

H. B. No. 201, A bill to be entitled "An Act to provide for economy and efficiency in the administration of the conservation laws of this State; creating a State Department of Conservation of Natural Resources, to assume the duties now resting upon the present Reclamation Department, the Board of Water Engineers, the Game, Fish and Oyster Commission, the Oil and Gas Department of the Railroad Commission, the Bureau of Economic Geology and Technology, the State Mining Board, the State Department of Forestry, State Parks now under the Board of Control, which are herein abolished for the purpose of creating such Department of Conservation, and to enforce such other conservation regulations as may at present exist; such State department to be governed

and controlled by a board of conservation commissioners, consisting of seven citizens interested or engaged in the use or the conservation of natural resources; providing for said board to co-ordinate the work of the various divisions of such department, to eliminate positions involving duplications, and for the Agricultural and Mechanical College of Texas to co-operate in eliminating needless expenditure of State funds; providing for a conservation council, composed of the active heads of the various divisions of the work as herein provided, to aid in increasing efficiency; requiring a biennial report to the Governor and the Legislature, with recommendations for further improvement and economy; providing that this act shall finally take effect on and after the first day of September of 1923, and declaring an emergency."

Referred to Committee on State Affairs.

By Mrs. Wilmans:

H. B. No. 202, A bill to be entitled "An Act changing the name of the Dallas County Circuit Court, located in Dallas county, Texas, to the Dallas County District Court of Domestic Relations, and restricting the jurisdiction in part, and providing for the transfer of cases between the Fourteenth Judicial District Court and Forty-fourth Judicial District Court, and the Sixty-eighth Judicial District Court, and the Ninety-fifth Judicial District Court of Dallas county, Texas; and providing for the Dallas County District Court to have jurisdiction over all wife and child desertion cases, making such court permanent, and repealing all laws in conflict herewith."

Referred to Committee on Judicial Districts.

By Mr. Quaid:

H. B. No. 203, A bill to be entitled "An Act making appropriations for the State government for two years beginning September 1, 1923, and ending August 31, 1925, and for other purposes, and prescribing certain regulations and restrictions in respect thereto."

Referred to Committee on Appropriations.

By Mr. Burmeister:

H. B. No. 204, A bill to be entitled "An Act extending for a period of five years from the passage of this act all permits to prospect for oil and gas heretofore issued on river beds and chan-

nels, fresh water lakes and islands therein, and on University lands, asylum lands and public school lands, surveyed or unsurveyed, which are unsold at the time this act goes into effect; and providing that all permits hereafter issued thereon shall be for a period of five years; and providing the conditions of said permits, which are that such permits are extended on the condition that the owner shall pay to the State annually in advance during the life of the permit ten cents per acre, and that the owner of the permit shall drill at the discretion of the Commissioner of the General Land Office such offset well or wells as may be necessary to protect the State's interest in the area included in the permit, and providing for an emergency."

Referred to Committee on Oil, Gas and Mining.

#### BILL RECOMMITTED.

On motion of Mr. McFarlane, House bill No. 87 was recommitted to the Committee on School Districts.

#### SPECIAL ORDER SET.

On motion of Mr. Pope, House bill No. 32 was set as a special order for 10 o'clock a. m. tomorrow.

#### TRIBUTES TO HON. LEE J. ROUNTREE.

On motion of Mr. Loftin, the following communications were ordered printed in the Journal:

Jasper, Texas, May 2, 1923.

C. L. Stewart, Representative, Austin, Texas,

Please convey to Rountree's family and friends my deep regret and grief for his inopportune death. The State can ill afford the loss of such a sterling citizen and patron.

O. M. STONE.

Terrell, Texas, May 3, 1923.

Speaker of the House, State Legislature, Austin, Texas,

Motion picture exhibitors in session at the time of the sad news of the death of L. J. Rountree, one of the industry's best friends. We avail ourselves of the opportunity as a body to extend our sincerest sympathy to his bereaved family; to his home town in the loss of a highly respected citizen; to the State

a legislator, and to the press a fearless writer, a man whose position will be filled with great difficulty.

#### MOTION PICTURE THEATRE OWNERS OF TEXAS, By H. A. Cole, President.

Houston, Texas, May 3, 1923.

Speaker Seagler, House of Representatives, Austin, Texas.

It is honorable to live and die for one's country. For this Lee J. Rountree died. Please convey to his wife and his colleagues my regrets that she has lost so good husband and Texas so illustrious servant.

S. P. BROOKS, Waco.

#### PROVIDING FOR ADDRESS BY HON. LUTCHER STARK.

Mr. Baker of Orange offered the following resolution:

H. C. R. No. 8, Providing for address by Hon. Lutchter Stark.

Whereas, The Chief Clerk is in receipt of a message from Hon. Lutchter Stark, accepting the invitation extended to him to address the Legislature in compliance with House concurrent resolution No. 1; and

Whereas, Mr. Stark will be in town Monday; now, therefore, be it

Resolved, That the House and Senate go into a joint session Monday at 7:30 o'clock to hear the address of Mr. Stark.

The resolution was read second time and was adopted.

#### EXPRESSING APPRECIATION FOR MEMBERS' VISIT TO CISCO.

The following communication was ordered printed in the Journal:

Cisco, Texas, May 1, 1923.

To the House of Representatives.

The directors of the Cisco Chamber of Commerce, on behalf of the citizenship of the city of Cisco and of Eastland county, desire to express to the members of the House of Representatives their appreciation for their recent visit to our city and community. We feel that the association has been of value to the people of our section of the State, and trust that your visit with us has been both pleasant and instructive.

We want you to feel that this community is back of the Legislature in its endeavors to make of Texas a great empire. And we feel that the members of

your honorable body, individually and collectively, are seeking to do the right and fair thing to all sections, classes and interests.

We trust that you enjoyed yourselves and that you will find an occasion to again visit us.

Very truly yours,

CISCO CHAMBER OF COMMERCE,

R. O. Lee, President.

G. C. Richardson, Secretary.

#### RELATING TO INVESTIGATION OF THE STANDARD OIL COMPANY.

Mr. Winfree offered the following resolution:

H. C. R. No. 9, Relating to investigating the Standard Oil Co.

Whereas, It is a matter of common knowledge and general information that the Standard Oil Company owns the controlling interest in the Magnolia Petroleum Company, the Humble Oil Company, the Sinclair Oil Company, the Gulf Production Company and its subsidiaries, the Prairie Oil and Gas Company, and a large number of other oil, gas and pipe line companies, controls and fixes the price of oil and gas and their products; and

Whereas, Such ownership and combination has the effect of destroying competition and restraining trade, and to bankrupt and drive the independent producer and refiner out of business, and to leave the consumers of this State at the mercy of this gigantic and insatiable trust; and

Whereas, The oil supply of the State of Texas is being rapidly exhausted to the enrichment of this monopoly and the impoverishment of the people of Texas; and

Whereas, Hundreds of millions of dollars worth of oil are annually being taken from the oil fields of Texas and sold at exorbitant prices without the payment of any just proportion of the taxes on the oil taken or the right to do business by said oil corporations; and

Whereas, If this condition is permitted to continue unrestrained, conditions will rapidly grow worse and the oil supply will be exhausted and prices of oil and gas be increased to the consumer; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring:

1. That action should be speedily taken by the Legislature of Texas to remedy this condition.

2. To that end that a committee of five members of the House be appointed by the Speaker and three members of the Senate be appointed by the presiding officer of the Senate, to co-operate with the Attorney General and to investigate the ownership of the stock of the various companies doing business in Texas, and to ascertain the business contracts and relationship existing between them; how the prices of oil and gas and their by-products are fixed, and what combinations, agreements and contracts exist between them and the Standard Oil Company and one another as to the fixing of prices, the handling of oil by pipe line companies and generally to make any and all such inquiries and investigations into the business of any oil, gas or pipe line company doing business in this State as to said committee may seem proper.

3. Said committee shall take a record of the evidence adduced before it, and shall report said evidence to the Legislature.

4. Said committee shall report to the Legislature its findings from the evidence and shall make such recommendations as to action by the Legislature to cure the evils complained of as it may consider proper.

5. Said committee shall have the power to summon witnesses and to compel their attendance and to give testimony to said committee and shall have the same power now given by law to district judges to punish for contempt any witness failing to appear and testify.

6. Said committee shall have the right to examine all books, papers, contracts and any instrument or document belonging to any oil, gas or pipe line company doing business in Texas, and may compel their production on or before the committee, and may punish for contempt any person failing to produce such books, papers and documents to the same extent as district judges are now authorized to punish such persons failing or refusing to testify.

7. Said committee shall have the power to employ such stenographers and clerks as to it shall seem necessary, who shall be paid five dollars (\$5) per day for the time employed, and their actual necessary traveling expenses while on business for said committee.

8. Said committee shall sit either in term time or in vacation and shall make its report as soon as possible. When

said committee sits in vacation, the members thereof shall be paid the sum of five dollars per day and their actual traveling expenses while engaged in the business of the committee.

9. All bills for services, expenses and per diem shall be sworn to by the person making same, and shall be approved by the chairman of said committee, and shall be paid out of the contingent fund of the House and the Senate.

The resolution was read second time.

Mr. Lackey moved that the resolution be referred to the Committee on Oil, Gas and Mining.

On motion of Mr. Winfree, the motion to refer was tabled.

Mr. Satterwhite raised a point of order on further consideration of the resolution at this time on the ground that the time for consideration of resolutions has expired.

The Speaker sustained the point of order.

#### HOUSE BILL NO. 12 ON ENGROSSMENT.

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 12, A bill to be entitled "An Act providing for uniformity and equalization of taxation; conferring upon the State Tax Board general supervision over the administration of the laws relating to taxation and over assessors and collectors of taxes and county commissioners courts sitting as boards of equalization, to the end that assessments of all classes of property for purposes of State taxation shall be made relatively just and equal in the several counties of the State; providing for the review by such State Tax Board of the aggregate assessments of the various classes of property in the several counties, and empowering it to raise or lower the valuation of any and all classes of property in any county or counties for purpose of State taxation; prescribing the duties of tax assessors and collectors and the county judge and county commissioners with reference to equalization for purposes of State taxes; providing for a hearing and notice before fixing valuations by the State Tax Board; providing for a hearing and notice by the county board of equalization before carrying into effect the orders of the State Tax Board with reference to valuations; authorizing the county com-

missioners court to adopt the valuation fixed in compliance with the orders of the State Tax Board for purposes of taxes other than State taxes and permitting it to adopt a different valuation for purposes of State taxes if it elects to do so; enacting provisions necessary and incident to the subject and purpose of the act; amending Articles 7580 and 7350 of the Revised Civil Statutes of Texas; making the necessary changes in the laws relating to the duties of tax assessors, tax collectors and county boards of equalization, and specifying and fixing dates for the performance thereof, so as to carry into effect the provisions of the act; requiring the tax collector in assessing taxes under provisions of law authorizing him to do so to conform to the orders and instructions of the State Tax Board, and making it unlawful for tax collectors to collect any State taxes or other taxes until there has been delivered to them a tax roll in which the State taxes show to have been extended on valuations complying with the orders of the State Tax Board; providing for mandamus suits by the State Tax Board and prescribing procedure therein and rules governing appeals therefrom; extending time for payment of taxes without penalty if rolls are not completed by the end of the year; authorizing the State Tax Board to prescribe forms, and to require the descriptions of real estate, and to require that improvements be listed separately from lands and lots on which they are situated in making assessments; providing for the removal of any member of the State Tax Board, assessor or collector of taxes or county judge or county commissioner who shall wilfully fail or refuse to comply with the provisions of the act; declaring the rule of construction in case of invalidity of any provision of the act; providing the time it shall take effect, and repealing all laws or parts of laws in conflict herewith."

The bill having been read second time on last Wednesday, with (committee) amendment by Mr. Lackey and the following substitute by Mr. Patman for the (committee) amendment, pending:

Amend House bill No. 12, page 3, by inserting after Section 4 a new section to be known as Section 4a, which shall read as follows:

Sec. 4a. The State Tax Board of Equalization shall adjust the aggregate

valuation of property as between the different counties of the State so that the share of the whole tax imposed upon each county shall be justly proportioned to the value of taxable property within its limits in order that one county shall not pay a higher tax in proportion to the value of its taxable property than another. Provided, however, that the total assessed valuation of all property for State purposes after equalization by the State board shall not exceed the total assessed valuation of all property as submitted by the county boards of equalization or as submitted by the tax abstracts and tax rolls; the State board may raise or lower the values in the different counties, but the total values not to be increased.

Question recurring on the substitute, it was adopted.

Question then recurring on the amendment as substituted, it was adopted.

Mr. Fields offered the following amendment to the bill:

Amend the bill by striking out the enacting clause.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

#### Yeas—31.

Atkinson.	McDaniel.
Barker.	Martin.
Barrett.	Melson.
Bird.	Merritt.
Burmeister.	Perdue.
Cable.	Rowland.
Davis.	Russell
Dodd.	of Callahan.
Downs.	Simpson.
Duffey.	Stell.
Fields.	Stewart of Jasper.
Finlay.	Stroder.
Harrington.	Thompson.
Henderson	Wallace.
of Marion.	Westbrook.
Laird.	Wessels.
Looney.	

#### Nays—72.

Abney.	Carson.
Amsler.	Covey.
Arnold.	Davenport.
Avis.	DeBerry.
Baker of Orange.	Dielmann.
Baldwin.	Driggers.
Beasley.	Dunn.
Bell.	Durham.
Bryant.	Frnka.
Carpenter	Fugler.
of Matagorda.	Greer.

Hardin of Erath.	Price.
Hendricks.	Purl.
Houston.	Quaid.
Irwin.	Rice.
Jacks.	Robinson.
Johnson.	Rogers.
Kemble.	Russell of Trinity.
Lackey.	Sackett.
Lane.	Sanford.
LeMaster.	Satterwhite.
LeSturgeon.	Shearer.
McDonald.	Shires.
McFarlane.	Smith.
McKean.	Sparkman.
McNatt.	Stevens.
Mathes.	Stewart of Reeves.
Maxwell.	Storey.
Miller.	Sweet.
Moore.	Teer.
Morgan	Thrasher.
of Robertson.	Vaughan.
Pate.	Wells.
Patman.	Williamson.
Patterson.	Wilmans.
Pool.	Wilson.
Potter.	Young.

#### Absent.

Baker of Milam.	Henderson
Bobbitt.	of McLennan.
Bonham.	Hughes.
Carpenter	Hull.
of Dallas.	Jennings.
Carter of Coke.	Lamb.
Carter of Hays.	Lewis.
Chitwood.	Loftin.
Coffee.	McBride.
Collins.	Montgomery.
Cowen.	Morgan
Crawford.	of Liberty.
Culp.	Pinkston.
Dinkle.	Pope.
Dunlap.	Quinn.
Edwards.	Stewart
Gipson.	of Edwards.
Green.	Stiernberg.
Hardin	Strickland.
of Kaufman.	Turner.
Harris.	Winfree.

#### Absent—Excused.

Blount.	Jones.
Faubion.	Lusk.
Howeth.	Merriman.

Mr. Maxwell moved the previous question on the engrossment of the bill, and the main question was ordered.

Mr. Purl moved a call of the House for the purpose of maintaining a quorum pending consideration of House bill No. 12, and the call was not seconded.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 12 was then passed to engrossment by the following vote:

Yeas—65.

Abney.	McFarlane.
Amsler.	McKean.
Arnold.	McNatt.
Avis.	Mathes.
Baker of Orange.	Maxwell.
Baldwin.	Miller.
Bryant.	Morgan
Carpenter	of Liberty.
of Dallas.	Morgan
Carpenter	of Robertson.
of Matagorda.	Pate.
Carson.	Patman.
Carter of Hays.	Pool.
Covey.	Potter.
Davenport.	Rice.
Dielmann.	Robinson.
Dunlap.	Rogers.
Durham.	Russell of Trinity.
Edwards.	Sackett.
Frnka.	Satterwhite.
Fugler.	Shearer.
Gipson.	Shires.
Greer.	Smith.
Hendricks.	Sparkman.
Houston.	Stevens.
Hull.	Stewart of Reeves.
Irwin.	Storey.
Jacks.	Sweet.
Jennings.	Teer.
Johnson.	Vaughan.
Kemble.	Wells.
Lackey.	Williamson.
Lane.	Wilmons.
LeMaster.	Wilson.
LeStourgeon.	Young.
Loftin.	

Nays—42.

Atkinson.	Laird.
Barker.	Looney.
Barrett.	McBride.
Beasley.	McDaniel.
Bird.	Martin.
Bonham.	Melson.
Burmeister.	Merritt.
Cable.	Moore.
Collins.	Perdue.
Culp.	Price.
Davis.	Purl.
DeBerry.	Rowland.
Dodd.	Russell
Downs.	of Callahan.
Driggers.	Sanford.
Duffey.	Simpson.
Dunn.	Stell.
Fields.	Stewart of Jasper.
Finlay.	Stroder.
Harrington.	Thompson.
Harris.	Wallace.
Henderson	Westbrook.
of Marion.	Wessels.

Absent.

Baker of Milam.	Lamb.
Bell.	Lewis.
Bobbitt.	McDonald.
Carter of Coke.	Montgomery.
Chitwood.	Patterson.
Coffee.	Pinkston.
Cowen.	Pope.
Crawford.	Quaid.
Dinkle.	Quinn.
Green.	Stewart
Hardin of Erath.	of Edwards.
Hardin	Stiernberg.
of Kaufman.	Strickland.
Henderson	Thrasher.
of McLennan.	Turner.
Hughes.	Winfree.

Absent—Excused.

Blount.	Jones.
Faubion.	Lusk.
Howeth.	Merriman.

Mr. Lackey moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

#### MESSAGE FROM THE GOVERNOR.

Mrs. Margaret Tindale, Assistant Secretary to the Governor, appeared at the bar of the House, and, being duly announced, presented the following message from the Governor, which was read to the House as follows:

Governor's Office,

Austin, Texas, May 4, 1923.

To the Members of the Thirty-eighth Legislature, Second Called Session.

Gentlemen: A people who do not preserve and cherish the heroic achievements of their noble ancestry will achieve nothing worthy to be enrolled on the scroll of fame by their descendants. A land without sacred shrines is a land without liberty. "A land with a grave in each spot, and names on the graves that shall not be forgot" is the land that tells the thrilling story of the triumph of right over wrong. Texas has a grand, glorious, victorious history. On the field of battle her patriotic pioneers won their liberty and built a national life all their own. They kissed the lips of immortality at Goliad; they willingly poured out their life's blood in the Alamo; they marched to victory at San Jacinto. From the Sabine to the Rio Grande they left their "foot-

prints on the sands of time." The trails they traveled should be our pride. Texas has not been thoughtful in preserving her legends, in cherishing her traditions, in marking her historic spots, in immortalizing her heroes. Those who won our freedom and wrought out our early civilization should not only be panegyricized in song and story, but should be immortalized in marble and in bronze, not only as a deserving tribute to their memory, but as a help, a hope and an inspiration to the children of this and all the generations that are yet to be. Historic places, historic names and historic things should all be jealously guarded. To forget them is to prove ourselves unworthy of them. Stones and statues of patriotism, monuments to the pioneers and patriots whose daring and dauntless courage bequeathed to us our richest heritage, should be erected by loyal and loving hands on Texas soil, with Texas money, and from Texas granite, wherever these heroes fought and wrought for God and humanity. Texas heroism should be protected as well as Texas commerce. Our history should be respected and transmitted to posterity untarnished and undimmed. Therefore, I hereby submit to you for whatever action your patriotism and wisdom may direct, the gathering of historic data, the preservation of historic relics, the marking of historic spots, the purchase of historic grounds and the erection of fitting monuments in memory of the heroes and the heroic achievements that consecrated, sanctified and made immortal the glorious and resplendent pages of Texas history. For this laudable undertaking it is suggested that a committee of five be named to serve without compensation, to be known as "The Texas Historical Board," to gather and present to the Legislature at each regular session, data and recommendations looking to the preservation, not only of early Texas history, but history now being made that ought to be sacredly kept for coming generations.

Respectfully submitted,

PAT M. NEFF,  
Governor.

#### HOUSE BILL NO. 7 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 7, A bill to be entitled "An Act to appropriate six million dol-

lars (\$6,000,000) out of the general funds of the State to aid all the public schools for the scholastic years beginning September 1, 1923, and ending August 31, 1925, the same to be distributed as the available school funds are now distributed."

The bill was read third time.

Mr. Henderson of Marion offered the following amendment to the bill:

Amend caption to House bill No. 7 by striking out all after the figures "1923," in line 8, and adding the following: "and September 1, 1924, and ending August 31, 1924, and August 31, 1925, respectively, the same to be distributed as the available school funds are now distributed."

Signed—Henderson of Marion, Quaid, Moore.

The amendment was adopted.

Mr. Harris offered the following amendment to the bill:

Amend House bill No. 7, line 13, by striking out "\$6,000,000" and inserting in lieu thereof "\$7,000,000."

On motion of Mr. Henderson of Marion, the amendment was tabled.

House bill No. 7 was then finally passed.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 4, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has refused to adopt the favorable minority report on

H. B. No. 4, A bill to be entitled "An Act to amend Chapter 2 of Title 98, Revised Civil Statutes of Texas, 1911, by adding thereto Article 6057a, providing, that in addition to other methods provided in said chapter for the removal of officers, they may be removed by quo warranto proceedings brought by the Attorney General upon direction of the Governor; making the provisions of said chapter applicable to proceedings hereunder except where in conflict; providing that the district judge may temporarily suspend an officer against whom the petition is filed and appoint a person to discharge the duties of the office who shall not be required to give bond as provided in Article 6049 of such statutes; providing that the suspended officer shall receive the salary, compensation or fees until final judgment removing him, and that



such salary, fees or compensation collected by the temporary officer shall be paid to the suspended officer, and that during appeal from a judgment, removing an officer, such salaries, fees and compensation shall not be received by him unless he give a supersedeas bond therefor, and that an appeal shall not suspend the order temporarily removing such officer; providing that the temporary officer shall receive the same salary or compensation provided by law to be paid by the State out of an appropriation to the Governor for the enforcement of the law; fixing jurisdiction and venue of such suits; providing that such officer may not be removed under this act for failure to enforce misdemeanor statutes, excepting laws pertaining to gambling or prostitution, and declaring an emergency," by the following vote: 9 yeas, 11 nays, 4 pairs and 2 present not voting. A motion to reconsider the vote by which the Senate refused to adopt the minority report was tabled by the following vote: 11 yeas, 9 nays, 4 pairs and 2 present not voting.

The Senate has granted the request of the House for a Free Conference Committee to adjust the differences on House bill No. 8, and the following are appointed on the committee in behalf of the Senate:

Senators Bailey, Bledsoe, Burkett, Woods and Ridgeway.

Respectfully,

RICHARD BLALOCK,

Assistant Secretary of the Senate.

#### HOUSE BILL NO. 51 ON THIRD READING.

The Speaker laid before the House, on its third reading and final passage,

H. B. No. 51, A bill to be entitled "An Act amending Section 3 and Section 5 of an act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to provide for the purchase and distribution by the State of free text books to the public school children of the State of Texas,' etc., being Senate bill No. 118, Chapter 29, of the Regular Session Laws, so as to prevent the unlawful expenditure of the State Text Book Fund and inhibit the unlawful purchase of unnecessary free text books; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read third time.

Mr. Young moved the previous ques-

tion on the passage of the bill and the main question was ordered.

House bill No. 51 was then passed by the following vote:

#### Yeas—72.

Abney.	Johnson.
Amsler.	Laird.
Arnold.	Lane.
Atkinson.	LeMaster.
Avis.	LeSturgeon.
Baldwin.	Loftin.
Barker.	Looney.
Barrett.	McBride.
Beasley.	McDaniel.
Bird.	McDonald.
Bryant.	McFarlane.
Burmeister.	McKean.
Cable.	Merritt.
Carpenter	Perdue.
of Dallas.	Pool.
Carson.	Pope.
Cowen.	Potter.
Davenport.	Quinn.
Davis.	Robinson.
DeBerry.	Rogers.
Dielmann.	Rowland.
Dinkle.	Russell
Dodd.	of Callahan.
Downs.	Russell of Trinity.
Driggers.	Shearer.
Duffey.	Simpson.
Dunlap.	Sparkman.
Dunn.	Stell.
Edwards.	Stevens.
Finlay.	Stewart of Jasper.
Green.	Storey.
Henderson	Teer.
of McLennan.	Thompson.
Hendricks.	Vaughan.
Houston.	Westbrook.
Hull.	Wessels.
Irwin.	Young.
Jennings.	

#### Nays—36.

Baker of Orange.	Morgan
Carpenter	of Robertson.
of Matagorda.	Patman.
Carter of Hays.	Patterson.
Covey.	Price.
Durham.	Purl.
Gipson.	Quaid.
Harrington.	Rice.
Harris.	Sackett.
Henderson	Sanford.
of Marion.	Satterwhite.
Jacks.	Smith.
Kemble.	Stewart of Reeves.
McNatt.	Sweet.
Martin.	Thrasher.
Mathes.	Wallace.
Maxwell.	Wells.
Moore.	Williamson.
Morgan	Wilmans.
of Liberty.	Wilson.
	Winfree.

**Absent.**

Baker of Milam.	Howeth.
Bell.	Hughes.
Bobbitt.	Lackey.
Bonham.	Lamb.
Carter of Coke.	Lewis.
Chitwood.	Melson.
Coffee.	Miller.
Collins.	Montgomery.
Crawford.	Pate.
Culp.	Pinkston.
Fields.	Shires.
Frnka.	Stewart
Fugler.	of Edwards.
Greer.	Stiernberg.
Hardin of Erath.	Strickland.
Hardin	Stroder.
of Kaufman.	Turner.

**Absent—Excused.**

Blount.	Lusk.
Faubion.	Merriman.
Jones.	

**CONFERENCE COMMITTEE ON  
HOUSE BILL NO. 5.**

The Speaker announced the appointment of the following Conference Committee on the part of the House on House bill No. 5:

Messrs. Wallace, Potter, Abney, Henderson of McLennan and Pope.

**COMMITTEE TO INVESTIGATE  
CERTAIN CHARGES.**

The Speaker announced the appointment of the following committee to investigate the charges against Hon. J. V. Frnka:

Messrs. Abney, Chairman; Wilson, Carpenter of Matagorda, Storey and Jennings.

**HOUSE BILL NO. 13 ON SECOND  
READING.**

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 13, A bill to be entitled "An Act to appropriate \$200,000 out of the general revenue fund to be used in paying interest on warrants legally drawn against the general revenue fund when said warrants cannot be paid upon presentation to the State Treasurer and drawn between the dates of April 20, 1923, and March 15, 1924, and repealing all laws in conflict with this act, and declaring an emergency."

The bill was read second time.

Mr. Jacks moved the previous ques-

tion on the engrossment of the bill and the main question was ordered.

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 13 failed to pass to engrossment by the following vote:

**Yeas—38.**

Amsler.	LeStourgeon.
Baker of Orange.	Loftin.
Baldwin.	McBride.
Beasley.	Morgan
Bell.	of Liberty.
Bonham.	Perdue.
Carson.	Potter.
Carter of Hays.	Puri.
Cowen.	Quinn.
Dielmann.	Rice.
Dinkle.	Robinson.
Driggers.	Russell of Trinity.
Durham.	Shearer.
Harrington.	Smith.
Henderson	Stewart of Reeves.
of McLennan.	Teer.
Hendricks.	Vaughan.
Hull.	Wells.
Kemble.	Wilson.
LeMaster.	Winfree.

**Nays—64.**

Abney.	McFarlane.
Arnold.	Martin.
Atkinson.	Mathes.
Avis.	Maxwell.
Barker.	Melson.
Barrett.	Merritt.
Bird.	Miller.
Bryant.	Moore.
Burmeister.	Patman.
Cable.	Patterson.
Carpenter	Pool.
of Matagorda.	Pope.
Collins.	Price.
Covey.	Quaid.
Culp.	Rogers.
Davis.	Rowland.
DeBerry.	Russell
Dodd.	of Callahan.
Downs.	Sackett.
Duffey.	Sanford.
Dunn.	Satterwhite.
Fields.	Sparkman.
Finlay.	Stell.
Green.	Stevens.
Harris.	Stewart of Jasper.
Henderson	Storey.
of Marion.	Sweet.
Houston.	Thrasher.
Jacks.	Wallace.
Laird.	Westbrook.
Lane.	Wessels.
Lewis.	Williamson.
Looney.	Wilmans.
McDaniel.	Young.
McDonald.	

## . Present—Not Voting.

Mr. Speaker. Simpson.  
Jennings.

## Absent.

Baker of Milam.	Irwin.
Bobbitt.	Johnson.
Carpenter	Lackey.
of Dallas.	Lamb.
Carter of Coke.	McKean.
Chitwood.	McNatt.
Coffee.	Montgomery.
Crawford.	Morgan
Davenport.	of Robertson.
Dunlap.	Pate.
Edwards.	Pinkston.
Frnka.	Shires.
Fugler.	Stewart
Gipson.	of Edwards.
Greer.	Stiernberg.
Hardin of Erath.	Strickland.
Hardin	Stroder.
of Kaufman.	Thompson.
Howeth.	Turner.
Hughes.	

## Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Jones.	

Mr. Burmeister moved to reconsider the vote by which the bill failed to pass to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

## HOUSE BILL NO. 23 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 23, A bill to be entitled "An Act for the purpose of promoting the public school interests of rural schools and those of small towns, of aiding the people to provide adequate school facilities for the education of their children, by the appropriation of two million dollars per year, or so much thereof as may be necessary, for the next two fiscal years ending August 31, 1924, and August 31, 1925, respectively; allowing the State Board of Education and the State Superintendent of Public instruction to aid such schools in accordance with the conditions herein specified; providing how such schools shall be located and school buildings constructed, furnished and maintained; providing certain prerequisites for the granting of such aid, and providing no school having over five hundred scholas-

tics shall receive such aid; giving preference to all school districts in which the available school fund together with the local district tax will not maintain the school six months in the year; limiting the amount which any school may receive; providing for aid for schools where extraordinary conditions prevent school from meeting stated requirements; providing assistance for such rural schools as will afford instruction and demonstration in home and farm vocations, according to plans approved by the State Department of Education; providing assistance for small districts which effect consolidation during two fiscal years; providing for the expenses of administration by action of the State Board of Education; providing for reports to be made to the State Superintendent of Public Instruction and to the State Board of Education; providing for the manner of payment and disbursement of all money granted under the provisions of this act; repealing all laws and parts of laws in conflict herewith."

The bill was read second time.

On motion of Mr. Quinn, further consideration of the bill was postponed until 2 o'clock p. m. today.

## HOUSE BILL NO. 26 ON SECOND READING.

The Speaker laid before the House, on its second reading and passage to engrossment,

H. B. No. 26, A bill to be entitled "An Act to amend Articles 7369, 7370, 7371, 7372, 7373, 7377, 7378 and 7382, of Chapter 2, Title 126 of the Revised Civil Statutes of Texas, 1911, relative to the levying of occupation taxes upon individuals, companies, corporations and associations pursuing any of the occupations, that is, viz., express companies, telegraph companies, gas, electric light, power or waterworks, collecting or commission agencies, car companies, wholesale dealers in oil, interurban and electric railway companies and telephone companies; providing for an increase of the gross receipts tax to be paid by said companies; providing for a new article to be numbered 7383b, to provide that each company subject to the provisions of this chapter shall cause to be made and to be kept and preserved a full and complete record of all business done by said companies during the time so engaged in said business, and said record

shall be open to the inspection of all tax officers of the State; and also providing further that any company subject to the provisions of the Intangible Tax Law as set out in Chapter 4, Title 126 of the Revised Statutes of 1911, and all amendments thereto, and are complying with the provisions of said law, shall not be subject to the provisions of this chapter, and declaring an emergency."

The bill was read second time.

(Mr. Winfree in the chair.)

Mr. Jacks offered the following amendment to the bill:

Amend House bill No. 26 by striking out from line 2 through line 16, page 6.

Mr. Quinn moved to table the amendment.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—51.

Atkinson.	Merritt.
Cable.	Morgan
Carpenter	of Robertson.
of Matagorda.	Patman.
Carter of Hays.	Patterson.
Crawford.	Perdue.
Culp.	Pope.
Davis.	Potter.
Dodd.	Price.
Downs.	Quinn.
Driggers.	Rice.
Duffey.	Rowland.
Dunlap.	Sackett.
Durham.	Sanford.
Edwards.	Simpson.
Fields.	Sparkman.
Green.	Stell.
Greer.	Stevens.
Hendricks.	Stewart of Jasper.
Houston.	Stiernberg.
Jennings.	Stroder.
Laird.	Thompson.
LeMaster.	Thrasher.
Lewis.	Vaughan.
McDaniel.	Wilson.
McNatt.	Young.
Mathes.	

Nays—58.

Abney.	Bonham.
Amsler.	Burmeister.
Arnold.	Carpenter
Avis.	of Dallas.
Baker of Orange.	Carson.
Baldwin.	Coffee.
Barker.	Collins.
Barrett.	Covey.
Beasley.	Cowen.
Bell.	DeBerry.
Bird.	Dielmann.
Bobbitt.	Dinkle.

Dunn.	Morgan
Gipson.	of Liberty.
Harrington.	Pool.
Henderson	Purl.
of McLennan.	Quaid.
Hull.	Rogers.
Irwin.	Russell
Jacks.	of Callahan.
Johnson.	Russell of Trinity.
Lackey.	Shearer.
Lane.	Shires.
LeSturgeon.	Smith.
Looney.	Stewart of Reeves.
McFarlane.	Teer.
McKean.	Turner.
Maxwell.	Wells.
Melson.	Westbrook.
Miller.	Wessels.
Montgomery.	Williamson.
	Winfree.

Present—Not Voting.

Storey.

Wilmans.

Absent.

Baker of Milam.	Kemble.
Bryant.	Lamb.
Carter of Coke.	Loftin.
Chitwood.	McBride.
Davenport.	McDonald.
Finlay.	Martin.
Frnka.	Moore.
Fugler.	Pate.
Hardin of Erath.	Pinkston.
Hardin	Robinson.
of Kaufman.	Satterwhite.
Harris.	Stewart
Henderson	of Edwards.
of Marion.	Strickland.
Howeth.	Sweet.
Hughes.	Wallace.

Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Jones.	

(Speaker in the chair.)

Mr. Potter moved the previous question on the pending amendment, and the main question was ordered.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—48.

Abney.	Barrett.
Amsler.	Beasley.
Arnold.	Bell.
Avis.	Bird.
Baker of Milam.	Bobbitt.
Baker of Orange.	Burmeister.
Baldwin.	Collins.

Cowen.	Moore.
Crawford.	Morgan
Dielmann.	of Liberty.
Dinkle.	Morgan
Downs.	of Robertson.
Dunn.	Pool.
Fugler.	Purl.
Gipson.	Quaid.
Harrington.	Robinson.
Henderson	Rogers.
of McLennan.	Russell
Hull.	of Callahan.
Irwin.	Shearer.
Jacks.	Smith.
Johnson.	Stroder.
McBride.	Turner.
McKean.	Wells.
Maxwell.	Williamson.
Miller.	Winfree.

## Nays—67.

Atkinson.	McNatt.
Barker.	Mathes.
Bryant.	Melson.
Cable.	Merritt.
Carpenter	Patman.
of Matagorda.	Patterson.
Carson.	Perdue.
Carter of Hays.	Potter.
Coffee.	Price.
Culp.	Quinn.
Davis.	Rice.
DeBerry.	Rowland.
Dodd.	Russell of Trinity.
Driggers.	Sackett.
Duffey.	Sanford.
Durham.	Satterwhite.
Edwards.	Simpson.
Fields.	Sparkman.
Green.	Stell.
Greer.	Stevens.
Hardin of Erath.	Stiernberg.
Harris.	Sweet.
Jennings.	Teer.
Laird.	Thompson.
Lane.	Thrasher.
LeMaster.	Vaughan.
Lewis.	Wallace.
Looney.	Westbrook.
McDaniel.	Wilmans.
McFarlane.	Young.

## Present—Not Voting.

Houston.	Storey.
Stewart of Jasper.	

## Absent.

Bonham.	Finlay.
Carpenter	Frnka.
of Dallas.	Hardin
Carter of Coke.	of Kaufman.
Chitwood.	Henderson
Covey.	of Marion.
Davenport.	Hendricks.
Dunlap.	Howeth.

Hughes.	Pinkston.
Kemble.	Pope.
Lackey.	Shires.
Lamb.	Stewart
LeSturgeon.	of Edwards.
Loftin.	Stewart of Reeves.
McDonald.	Strickland.
Martin.	Wessels.
Montgomery.	Wilson.
Pate.	

## Absent—Excused.

Blount.	Lusk.
Faubion.	Merriman.
Jones.	

Mr. Lackey offered the following (committee) amendments to the bill:

## Committee Amendment No. 1.

Section 1. Near the end of Article 7369 strike out the word "four" and insert "two and three-fourths."

## Committee Amendment No. 2.

Strike out Article 7370.

## Committee Amendment No. 3.

In Article 7371 beginning with the sentence: "Said individual, company, corporation or association at the time of making said report" strike out all below and including this sentence and insert in lieu thereof the following: "Said individual, company, corporation or association at the time of making said report for any town or city of from five thousand inhabitants up to thirty-five thousand inhabitants shall pay to the Treasurer of the State of Texas an occupation tax for the quarter on said date equal to one-half of one per cent of said gross receipts as shown by said report; and for any town or city from thirty-five thousand inhabitants or more the said individual, company, corporation or association at the time of making said report shall pay to the Treasurer of the State of Texas for the quarter beginning on said date an amount equal to one per cent of said gross receipts as shown by said report. Provided further, that where any such company operates in more than one town or city it shall be liable for the taxes measured by the population of the largest town or city. Provided further, that the population of cities or towns shall be determined by the last preceding United States census. And provided further, that nothing herein shall apply to any gas, electric light, electric power or waterworks, or water

and light plant within this State owned by any city or town."

Committee Amendment No. 4.

In Article No. 7377 strike out "three" in line 10 and insert "one-half of one" per cent.

Committee Amendment No. 5.

In Article 7378 beginning with "Said individual, company, corporation or association at the time of making said report" strike out all after and including this sentence and insert in lieu thereof the following: "Said individual, company, corporation or association at the time of making said report if in, or if connecting any town with a population of from fifteen thousand inhabitants to fifty thousand inhabitants shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to three-fourths of one per cent of said gross receipts as shown by said report; if in a city of more than fifty thousand inhabitants said individual, company, corporation or association at the item of making said report shall pay to the Treasurer of the State of Texas an occupation tax for the quarter beginning on said date equal to one per cent of said gross receipts as shown by said report. Provided, that no such individual, company, corporation or association operating wholly within a city or town of less than fifteen thousand inhabitants shall be required to make a report. Provided further, that in ascertaining the population of any city or town the same shall be ascertained by the last United States census. And provided further, that where any interurban railroad shall connect any town having a population of less than fifteen thousand with one of more than fifteen thousand, a report must be made and returns shall be measured by the population of the largest town, or where any interurban railroad connects any town having a population of more than fifty thousand with another of less population, the taxes paid shall be measured by the largest towns."

Committee Amendment No. 6.

In Article 7382 strike out the sentence beginning with "Said individual, company, corporation or association at the time of making said report," and insert in lieu thereof the following: "Said individual, company, corporation or association at the time of making said

report shall pay an occupation tax as follows:

"In towns or villages of less than one thousand population no return or payment is required.

"In cities and towns of one thousand population and less than fifteen thousand population equal to one per cent of said gross receipts.

"In cities and towns of fifteen thousand population and less than thirty-five thousand population, one and one-half per cent of said gross receipts.

"In cities and towns of thirty-five thousand population and above, equal to two per cent of said gross receipts.

"Provided, that in ascertaining the population of any city or town the same shall be ascertained by the last United States census. And provided further, that where any telephone line shall connect any town having a population of more than the city or town in which the principal office of said telephone company is located that it shall be liable for the taxes measured by the population of the largest town."

Amendments Nos. 1, 2 and 3 were severally adopted.

Mr. Culp offered the following substitute for committee amendment No. 4:

Amend House bill No. 26 by striking out Article 7377.

Question—Shall the substitute be adopted?

SENATE BILL ON FIRST READING.

The following Senate bill, received from the Senate today, was laid before the House, read first time, and referred to the appropriate committee as follows:

Senate bill No. 32, to the Committee on Appropriations.

MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 4, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 32, A bill to be entitled "An Act making appropriations for the State government for two years beginning September 1, 1923, and ending August 31, 1925, and for other purposes, and prescribing certain regulations and restrictions in respect thereto, and declaring an emergency."

The Senate has passed the following concurrent resolutions:

H. C. R. No. 5, A resolution approving the course of the United States Government in seeking to establish closer and friendlier relationship between the United States and the Republic of Mexico.

H. C. R. No. 7, Providing for public hearings before joint committees of the House and Senate on certain subjects.

H. C. R. No. 8, Relating to the time of the address of Hon. Lutch Stark.

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 4, 1923.  
Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 33, A bill to be entitled "An Act to amend Article 927, Chapter 6, Title 22, of the Revised Civil Statutes of the State of Texas, 1911, by substituting therefor language making it possible for cities and towns to assess and collect a poll tax from all inhabitants, at the city's option (idiots and lunatics excepted), and declaring an emergency."

S. B. No. 34, A bill to be entitled "An Act amending Section 22 of the Special Road Law of Brazoria county, the same being an act of the Thirty-third Legislature of the State of Texas, Local and Special Laws of the State of Texas, passed at the Regular Session in 1913, Chapter 63, page 219, by adding Section 22a, which provides for the construction of roads designated as State highways, either within the district or without the district furnishing the money, but not more than one-fourth mile from such district, providing for the procuring of right of way for such roads, and for right of way for drainage and construction of drainage of such roads, providing for the control of the construction by the commissioners court of Brazoria county, and for the payment out of fund of the road district where the items of expense and contracts have been approved in writing by the commissioners of the road

district furnishing the money, and declaring an emergency."

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.

#### RECESS.

Mr. Miller moved that the House recess to 2 o'clock p. m. today.

Mr. Irwin moved that the House recess to 1:30 o'clock p. m. today.

The motion of Mr. Miller prevailed, and the House accordingly, at 12 o'clock m., took recess to 2 o'clock p. m. today.

#### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

#### HOUSE BILL NO. 26 ON ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 26, relative to levying occupation taxes, on its passage to engrossment, with (committee) amendments Nos. 4, 5, and 6, and substitute by Mr. Culp for amendment No. 4, pending.

Mr. Culp moved the previous question on (committee) amendment No. 4 and the substitute, and the motion was not seconded.

Question recurring on the substitute, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—47.

Abney.	Hendricks.
Arnold.	Houston.
Avis.	Hull.
Baker of Milam.	Irwin.
Bell.	Jacks.
Bobbitt.	Lane.
Burmeister.	LeMaster.
Carson.	Lewis.
Covey.	Loftin.
Cowen.	McFarlane.
Crawford.	McNatt.
Culp.	Maxwell.
Davenport.	Miller.
Dielmann.	Morgan
Fugler.	of Liberty.
Gipson.	Pate.
Hardin of Erath.	Patterson.
Harrington.	Purl.
Henderson	Quaid.
of Marion.	Quinn.
Henderson	Rogers.
of McLennan.	Shearer.

Smith.  
Sweet.  
Turner.

Williamson.  
Winfree.  
Young.

Nays—57.

Atkinson.	McDonald.
Baker of Orange.	Martin.
Baldwin.	Melson.
Barker.	Moore.
Barrett.	Morgan
Beasley.	of Robertson.
Bird.	Patman.
Bonham.	Perdue.
Bryant.	Pool.
Cable.	Pope.
Carter of Hays.	Price.
Collins.	Rice.
Davis.	Robinson.
DeBerry.	Rowland.
Dodd.	Sackett.
Downs.	Satterwhite.
Duffey.	Simpson.
Dunn.	Sparkman.
Durham.	Stell.
Edwards.	Stevens.
Fields.	Stewart of Jasper.
Finlay.	Stiernberg.
Greer.	Storey.
Harris.	Stroder.
Jennings.	Thompson.
Laird.	Wallace.
Looney.	Westbrook.
McBride.	Wessels.
McDaniel.	Wilmans.

Present—Not Voting.

Stewart of Reeves.

Absent.

Carpenter	McKean.
of Dallas.	Mathes.
Carpenter	Merritt.
of Matagorda.	Montgomery.
Carter of Coke.	Pinkston.
Chitwood.	Potter.
Coffee.	Russell
Dinkle.	of Callahan.
Driggers.	Russell of Trinity.
Dunlap.	Sanford.
Frnka.	Shires.
Green.	Stewart
Hardin	of Edwards.
of Kaufman.	Strickland.
Hughes.	Teer.
Johnson.	Thrasher.
Kemble.	Vaughan.
Lackey.	Wells.
Lamb.	Wilson.
LeStourgeon.	

Absent—Excused.

Blount.	Jones.
Faubion.	Lusk.
Howeth.	

Paired.

Mr. Amsler (present), who would vote "yea," with Mr. Merriman (absent), who would vote "nay."

Mr. Patman offered the following substitute for (committee) amendment No. 4:

Amend House bill No. 26, in Article 7377, page 4, strike out the words and figures "three (3%) per cent" where they occur and insert in lieu thereof the words and figures "one-half of (1%) one per cent."

The substitute was adopted.

Question then recurring on the amendment as substituted, it was adopted.

Mr. Gipson offered the following substitute for (committee) amendment No. 5:

Amend House bill No. 26, page 5, by striking out all of Article 7378 beginning with line 14.

Question recurring on the substitute, yeas and nays were demanded.

The substitute was lost by the following vote:

Yeas—43.

Arnold.	McFarlane.
Avis.	McKean.
Baker of Orange.	Maxwell.
Bobbitt.	Morgan
Carson.	of Liberty.
Collins.	Pate.
Covey.	Purl.
Cowen.	Rogers.
Crawford.	Russell
Culp.	of Callahan.
Davenport.	Satterwhite.
Fugler.	Shearer.
Gipson.	Smith.
Green.	Sparkman.
Greer.	Stiernberg.
Henderson	Storey.
of McLennan.	Stroder.
Hull.	Turner.
Irwin.	Wells.
Jacks.	Westbrook.
Lane.	Wessels.
LeStourgeon.	Williamson.
Loftin.	Winfree.

Nays—56.

Amsler.	Carpenter
Atkinson.	of Matagorda.
Baldwin.	Carter of Hays.
Barker.	Davis.
Bird.	DeBerry.
Bonham.	Dodd.
Bryant.	Downs.
Burmeister.	Driggers.
Cable.	Duffey.



Dunlap.	Patman.
Dunn.	Patterson.
Durham.	Perdue.
Edwards.	Pope.
Fields.	Price.
Frnka.	Quinn.
Harris.	Rice.
Henderson	Robinson.
of Marion.	Rowland.
Houston.	Russell of Trinity.
Laird.	Sackett.
LeMaster.	Sanford.
Looney.	Simpson.
McBride.	Stell.
McDaniel.	Stevens.
McDonald.	Stewart
Martin.	of Edwards.
Melson.	Sweet.
Miller.	Teer.
Moore.	Thompson.
Morgan	Wallace.
of Robertson.	Young.

Present—Not Voting.

Mr. Speaker.           Jennings.

Absent.

Baker of Milam.	Lackey.
Barrett.	Lamb.
Beasley.	Lewis.
Bell.	McNatt.
Carpenter	Mathes.
of Dallas.	Merritt.
Carter of Coke.	Montgomery.
Chitwood.	Pinkston.
Coffee.	Pool.
Dielmann.	Potter.
Dinkle.	Quaid.
Hardin of Erath.	Shires.
Hardin	Stewart of Jasper.
of Kaufman.	Stewart of Reeves.
Harrington.	Strickland.
Hendricks.	Thrasher.
Hughes.	Vaughan.
Johnson.	Wilmans.
Kemble.	Wilson.

Absent—Excused.

Blount.	Jones.
Faubion.	Lusk.
Howeth.	Merriman.

Paired.

Mr. Abney (present), who would vote "yea," with Mr. Finlay (absent), who would vote "nay."

Question then recurring on (committee) amendment No. 5, it was adopted.

Mr. Quinn offered the following substitute for (committee) amendment No. 6:

Amend House bill No. 26, substitute

for (committee) amendment No. 6 by striking out all of (committee) amendment No. 6 and add in lieu thereof the following: After the word "report," line 16, page 6, Article 7382, add: "provided, towns or villages of less than 1000 population shall not be required to make a report or pay said tax; provided, that in ascertaining the population of any city or town the same shall be ascertained by the last United States census; and provided further, that where any telephone line shall connect any town having a population of more than the city or town in which the principal office of said telephone company is located that it shall be liable for the taxes measured by the population of the largest town."

Question recurring on the substitute, it was lost.

Question then recurring on the (committee) amendment No. 6, it was adopted.

Mr. Patman offered the following amendment to the bill:

Amend House bill No. 26 by striking out the following language in Article 7377, page 4, lines 12 and 13: "and any and all mineral oils."

The amendment was adopted.

Mr. Patterson offered the following amendment to the bill:

Amend House bill No. 26 by striking out the following, beginning in line 15 and ending in line 18, page 4: "and an annual tax of three per cent of the cash market value of any and all of said articles that may be received or possessed or handled or disposed of in any manner other than by sale in this State."

Question recurring on the amendment, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—51.

Amsler.	Dunn.
Arnold.	Fugler.
Avis.	Gipson.
Baker of Orange.	Green.
Bobbitt.	Greer.
Burmeister.	Harrington.
Carpenter	Henderson
of Dallas.	of Marion.
Carpenter	Henderson
of Matagorda.	of McLennan.
Covey.	Hull.
Cowen.	Irwin.
Culp.	Jacks.
Davenport.	Kemble.
Dielmann.	Lane.
Duffey.	LeMaster.

LeStourgeon.	Sparkman.
McKean.	Storey.
Miller.	Stroder.
Pate.	Sweet.
Patterson.	Thrasher.
Purl.	Turner.
Quinn.	Wells.
Rogers.	Wessels.
Russell	Williamson.
of Callahan.	Wilmans.
Satterwhite.	Winfree.
Smith.	Young.

## Nays—51.

Atkinson.	McDaniel.
Baldwin.	McDonald.
Barker.	Martin.
Barrett.	Mathes.
Beasley.	Morgan
Bird.	of Robertson.
Bryant.	Patman.
Cable.	Perdue.
Carson.	Pope.
Carter of Hays.	Price.
Collins.	Rice.
Crawford.	Robinson.
Davis.	Rowland.
DeBerry.	Sackett.
Dodd.	Sanford.
Downs.	Shires.
Driggers.	Simpson.
Dunlap.	Stell.
Edwards.	Stevens.
Fields.	Stewart
Hardin of Erath.	of Edwards.
Harris.	Stewart of Jasper.
Hendricks.	Stewart of Reeves.
Houston.	Stiernberg.
Laird.	Thompson.
Looney.	Westbrook.
McBride.	

## Present—Not Voting.

Mr. Speaker.	Jennings.
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## Absent.

Abney.	McNatt.
Baker of Milam.	Maxwell.
Bell.	Melson.
Bonham.	Merritt.
Carter of Coke.	Montgomery.
Chitwood.	Moore.
Coffee.	Morgan
Dinkle.	of Liberty.
Durham.	Pinkston.
Finlay.	Pool.
Frnka.	Potter.
Hardin	Quaid.
of Kaufman.	Russell of Trinity.
Hughes.	Shearer.
Johnson.	Strickland.
Lackey.	Teer.
Lamb.	Vaughan.
Lewis.	Wallace.
Loftin.	Wilson.
McFarlane.	

## Absent—Excused.

Blount.	Jones.
Faubion.	Lusk.
Howeth.	Merriman.

Mr. Rogers offered the following amendment to the bill:

Amend House bill No. 26, page 1, Article 7369, line 39, by striking out the word "gross" wherever same appears in said bill and insert in lieu thereof the word "net."

The amendment was lost.

Mr. Jacks offered the following amendment to the bill:

Amend House bill No. 26 by striking out all below the enacting clause and all above the enacting clause.

Mr. Simpson moved the previous question on the pending amendment and the bill and the main question was ordered.

Mr. Culp moved to reconsider the vote by which the previous question was ordered.

On motion of Mr. Purl, the motion to reconsider was tabled.

Mr. Beasley (by unanimous consent) moved to reconsider the vote by which the amendment by Mr. Patterson was lost.

The motion to reconsider prevailed.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

## Yeas—60.

Amsler.	Henderson
Arnold.	of Marion.
Avis.	Henderson
Baker of Milam.	of McLennan.
Baker of Orange.	Hull.
Baldwin.	Irwin.
Burmeister.	Jacks.
Carpenter	Kemble.
of Dallas.	LeMaster.
Carpenter	LeStourgeon.
of Matagorda.	Loftin.
Carson.	McFarlane.
Collins.	McKean.
Covey.	McNatt.
Cowen.	Maxwell.
Crawford.	Miller.
Culp.	Montgomery.
Davenport.	Morgan
Dielmann.	of Liberty.
Dinkle.	Pate.
Duffey.	Patterson.
Dunn.	Purl.
Fugler.	Quaid.
Gipson.	Quinn.
Harrington.	Rogers.

Russell	Sweet.
of Callahan.	Teer.
Satterwhite.	Turner.
Shearer.	Wessels.
Smith.	Williamson.
Sparkman.	Wilmans.
Storey.	Winfree.
Stroder.	Young.

Nays—56.

Atkinson.	McDonald.
Barker.	Martin.
Barrett.	Mathes.
Beasley.	Melson.
Bell.	Moore.
Bird.	Morgan
Bonham.	of Robertson.
Bryant.	Patman.
Cable.	Perdue.
Carter of Hays.	Pool.
Coffee.	Pope.
Davis.	Price.
DeBerry.	Rice.
Dodd.	Robinson.
Downs.	Rowland.
Driggers.	Sackett.
Durham.	Sanford.
Edwards.	Shires.
Fields.	Simpson.
Frnka.	Stell.
Greer.	Stevens.
Hardin of Erath.	Stewart
Harris.	of Edwards.
Hendricks.	Stewart of Jasper.
Houston.	Stewart of Reeves.
Laird.	Stiernberg.
Lane.	Thompson.
Looney.	Wallace.
McBride.	Westbrook.
McDaniel.	

Present—Not Voting.

Jennings.

Absent.

Abney.	Lamb.
Bobbitt.	Lewis.
Carter of Coke.	Merritt.
Chitwood.	Pinkston.
Dunlap.	Potter.
Finlay.	Russell of Trinity.
Green.	Strickland.
Hardin	Thrasher.
of Kaufman.	Vaughan.
Hughes.	Wells.
Johnson.	Wilson.
Lackey.	

Absent—Excused.

Blount.	Jones.
Faubion.	Lusk.
Howeth.	Merriman.

Question recurring on the amendment by Mr. Jacks, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—31.

Arnold.	Irwin.
Avis.	Jacks.
Baker of Milam.	LeStourgeon.
Baker of Orange.	Loftin.
Bell.	McFarlane.
Burmeister.	McKean.
Carson.	McNatt.
Collins.	Maxwell.
Cowen.	Morgan
Davenport.	of Liberty.
Dielmann.	Quaid.
Dunn.	Smith.
Gipson.	Storey.
Harrington.	Turner.
Henderson	Wessels.
of McLennan.	Williamson.
Hull.	Winfree.

Nays—76.

Amsler.	McDaniel.
Atkinson.	McDonald.
Baldwin.	Martin.
Barker.	Melson.
Barrett.	Miller.
Beasley.	Moore.
Bonham.	Morgan
Bryant.	of Robertson.
Cable.	Pate.
Carpenter	Patman.
of Dallas.	Patterson.
Carpenter	Perdue.
of Matagorda.	Pool.
Carter of Hays.	Pope.
Coffee.	Price.
Covey.	Quinn.
Crawford.	Rice.
Davis.	Robinson.
DeBerry.	Rogers.
Dinkle.	Rowland.
Dodd.	Russell
Downs.	of Callahan.
Driggers.	Russell of Trinity.
Duffey.	Sackett.
Durham.	Satterwhite.
Fields.	Shearer.
Frnka.	Simpson.
Fugler.	Sparkman.
Greer.	Stell.
Hardin of Erath.	Stevens.
Harris.	Stewart
Henderson	of Edwards.
of Marion.	Stewart of Jasper.
Hendricks.	Stewart of Reeves.
Houston.	Stiernberg.
Jennings.	Sweet.
Kemble.	Teer.
Laird.	Thompson.
Lane.	Wallace.
Looney.	Wilmans.
McBride.	Young.

## Absent.

Bird.	Lewis.
Bobbitt.	Mathes.
Carter of Coke.	Merritt.
Chitwood.	Montgomery.
Culp.	Pinkston.
Dunlap.	Potter.
Edwards.	Purl.
Finlay.	Sanford.
Green.	Shires.
Hardin	Strickland.
of Kaufman.	Stroder.
Hughes.	Thrasher.
Johnson.	Vaughan.
Lackey.	Wells.
Lamb.	Westbrook.
LeMaster.	Wilson.

## Absent—Excused.

Blount.	Jones.
Faubion.	Lusk.
Howeth.	Merriman.

## Paired.

Mr. Abney (present), who would vote "yea," with Mr. Finlay (absent), who would vote "nay."

Question recurring on the engrossment of the bill, yeas and nays were demanded.

House bill No. 26 then passed to engrossment by the following vote:

## Yeas—64.

Amsler.	Harris.
Atkinson.	Henderson
Baldwin.	of Marion.
Barker.	Hendricks.
Barrett.	Houston.
Bonham.	Jennings.
Bryant.	Kemble.
Cable.	Laird.
Carpenter	Lane.
of Dallas.	Looney.
Carpenter	McBride.
of Matagorda.	McDaniel.
Carson.	Martin.
Carter of Hays.	Melson.
Coffee.	Morgan
Covey.	of Robertson.
Crawford.	Pate.
Davis.	Patman.
DeBerry.	Perdue.
Dodd.	Pool.
Downs.	Pope.
Driggers.	Price.
Duffey.	Rice.
Dunn.	Robinson.
Durham.	Rowland.
Fields.	Sackett.
Frnka.	Satterwhite.
Greer.	Shearer.
Hardin of Erath.	Simpson.

Sparkman.	Stewart of Jasper.
Stell.	Teer.
Stevens.	Thompson.
Stewart	Wilmans.
of Edwards.	Young.

## Nays—44.

Arnold.	McFarlane.
Avis.	McKean.
Baker of Milam.	McNatt.
Baker of Orange.	Maxwell.
Beasley.	Moore.
Bell.	Morgan
Bird.	of Liberty.
Burmeister.	Purl.
Collins.	Quaid.
Cowen.	Quinn.
Culp.	Rogers.
Davenport.	Russell
Dielmann.	of Callahan.
Dinkle.	Russell of Trinity.
Fugler.	Smith.
Gipson.	Stewart of Reeves.
Harrington.	Stiernberg.
Henderson	Storey.
of McLennan.	Sweet.
Hull.	Turner.
Irwin.	Wessels.
Jacks.	Williamson.
LeStourgeon.	Winfree.
Loftin.	

## Absent.

Blount.	Merritt.
Carter of Coke.	Miller.
Chitwood.	Montgomery.
Dunlap.	Patterson.
Edwards.	Pinkston.
Green.	Potter.
Hardin	Sanford.
of Kaufman.	Shires.
Hughes.	Strickland.
Johnson.	Stroder.
Lackey.	Thrasher.
Lamb.	Vaughan.
LeMaster.	Wallace.
Lewis.	Wells.
McDonald.	Westbrook.
Mathes.	Wilson.

## Absent—Excused.

Bobbitt.	Jones.
Faubion.	Lusk.
Howeth.	Merriman.

## Paired.

Mr. Abney (present), who would vote "nay," with Mr. Finlay (absent), who would vote "yea."

Mr. Patman moved to reconsider the vote by which the bill was passed to engrossment, and to table the motion to reconsider.

The motion to table prevailed.

MOTION TO TAKE UP HOUSE BILL  
NO. 26.

Mr. Gipson moved that the constitutional rule requiring bills to be read on three several days be suspended, and that House bill No. 26 be placed on its third reading and final passage.

The motion was lost by the following vote, not receiving the necessary four-fifths votes:

Yeas—79.

Mr. Speaker.	Looney.
Amsler.	McBride.
Arnold.	McDaniel.
Atkinson.	McDonald.
Avis.	McFarlane.
Baldwin.	Martin.
Barker.	Mathes.
Bonham.	Melson.
Bryant.	Montgomery.
Burnmeister.	Moore.
Cable.	Morgan
Carpenter	of Liberty.
of Dallas.	Morgan
Carpenter	of Robertson.
of Matagorda.	Patman.
Carson.	Patterson.
Carter of Hays.	Pool.
Coffee.	Pope.
Covey.	Quinn.
Crawford.	Robinson.
Davis.	Rogers.
DeBerry.	Rowland.
Dodd.	Russell
Downs.	of Callahan.
Driggers.	Russell of Trinity.
Duffey.	Sackett.
Dunn.	Sanford.
Durham.	Satterwhite.
Fields.	Shearer.
Frnka.	Simpson.
Gipson.	Sparkman.
Greer.	Stell.
Hardin of Erath.	Stevens.
Harris.	Stewart
Henderson	of Edwards.
of Marion.	Stewart of Jasper.
Hendricks.	Stewart of Reeves.
Houston.	Teer.
Irwin.	Thompson.
Jennings.	Turner.
Kemble.	Westbrook.
Laird.	Wilmons.
Lane.	Young.

Nays—30.

Abney.	Cowen.
Baker of Milam.	Culp.
Baker of Orange.	Davenport.
Beasley.	Dielmann.
Bell.	Dinkle.
Bird.	Fugler.
Collins.	Harrington.

Henderson	Purl.
of McLennan.	Quaid.
Hull.	Rice.
LeSturgeon.	Stiernberg.
Loftin.	Storey.
McNatt.	Sweet.
Maxwell.	Wessels.
Miller.	Williamson.
Perdue.	Winfree.

Absent.

Barrett.	Lewis.
Bobbitt.	McKean.
Carter of Coke.	Merritt.
Chitwood.	Pate.
Dunlap.	Pinkston.
Edwards.	Potter.
Finlay.	Price.
Green.	Shires.
Hardin	Smith.
of Kaufman.	Strickland.
Hughes.	Stroder.
Jacks.	Thrasher.
Johnson.	Vaughan.
Lackey.	Wallace.
Lamb.	Wells.
LeMaster.	Wilson.

Absent—Excused.

Blount.	Jones.
Faubion.	Lusk.
Howeth.	Merriman.

RESOLUTIONS SIGNED BY THE  
SPEAKER.

The Speaker signed, in the resence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled resolutions:

H. C. R. No. 5, Relating to relations between the United States and Mexico.

H. C. R. No. 7, Relating to consolidation of certain State departments.

H. C. R. No. 8, Providing for address by Hon. Lutchter Stark.

## MESSAGE FROM THE SENATE.

Senate Chamber,

Austin, Texas, May 4, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 21, A bill to be entitled "An Act reorganizing the State of Texas into supreme judicial districts for the purpose of constituting and organizing Courts of Civil Appeals therein; creating the Eleventh Supreme Ju-

dicial District of Texas, with Eastland as the site of said court; providing for the appointment and qualification of the judges of said Eleventh Supreme Judicial District, and officers thereof; providing for the transfer of cases, and regulating appeals from the lower courts of the counties constituting said Eleventh Supreme Judicial District of Texas, and declaring an emergency."

S. C. R. No. 13, Requesting the Congress of the United States to recognize that Texas is entitled to a Congressman-at-large from the State of Texas.

The Senate has postponed indefinitely

S. B. No. 42, A bill to be entitled "An Act to make it unlawful for any political party in this State to hold a primary election for the nomination of a candidate for the office of a judge of any district court, criminal district court, Court of Civil Appeals, Court of Criminal Appeals or Supreme Court of Texas, and prohibiting the placing of the name of any person nominated in whole or in part for either of said officers in a primary election on the official ballot at any general election; providing the manner and mode of certifying the names of the nominees of any political party, repealing all laws and parts of laws in conflict therewith, and declaring an emergency," by the following vote: 14 yeas, 7 nays and 3 pairs.

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 4, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. C. R. No. 14, Authorizing the Governor and Prison Commission to extend the date of maturity of notes to September 16, 1924, and September 16, 1925.

S. C. R. No. 16, Permitting Oscar Raines and Arthur Nichols to continue conducting their stands in the State Capitol and in the State Office Building for the purpose of selling drinks and other articles.

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, May 4, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed

S. B. No. 54, A bill to be entitled "An Act releasing the inhabitants of and property in Wharton county, comprising one district, and that portion of Matagorda county embraced in commissioners precincts Nos. 1, 2 and 4, as described in the minutes of the commissioners court of said county, comprising another district, for a period of twenty-five years, from the payment of taxes levied for State purposes, because of great public calamities in said counties, as provided in Section 10 of Article VIII of the State Constitution, upon condition that each district above defined, respectively, shall be organized into a conservation and reclamation district and shall vote bonds of such district to prevent the recurrence of such calamities, and in cases of failure of either of said districts to organize and to vote such bonds by or before October 1, 1924, said act shall become null and void, and said taxes shall be collected in the usual manner and paid into the public treasury, and declaring an emergency."

Respectfully,  
RICHARD BLALOCK,  
Assistant Secretary of the Senate.  
(Mr. Carpenter of Dallas in the chair.)

#### REPORT OF TEXT BOOK INVESTIGATING COMMITTEE.

Mr. Baldwin called up for consideration at this time the following report:

Austin, Texas, May 3, 1923.

Hon. T. W. Davidson, President of the Senate, and Hon. R. E. Seagler, Speaker of the House of Representatives.

Sirs: We, your joint committee appointed and acting under and by virtue of H. C. R.'s Nos. 4 and 35, passed at the Regular Session of the Thirty-eighth Legislature of the State of Texas, directing an investigation to be made into the matter of awarding contracts for text books, made by the Texas State Text Book Commission in December, 1922, beg leave herewith to submit our report.

The joint committee has made inquiry into and investigation of the matters committed to it by collecting and studying all known and available documentary evidence bearing upon the awarding of said contracts, and has summoned and examined numerous witnesses touching their knowledge of said matters and transactions. The committee was not, however, able to obtain the testimony of any person officially connected with the American Book Company, although it made diligent effort to do so. All testimony of said witnesses was taken down in shorthand, and transcript of said testimony, as well as copy of all documentary evidence, accompanies this report as basis for the committee's findings of fact upon such points as were deemed pertinent to the conclusions arrived at and the recommendations the committee has deemed proper to make, all of which are hereinafter set out as follows:

#### Findings of Fact.

1. The committee finds that various agents, representatives and employes of text book publishing houses interested in and submitting bids to the State Text Book Commission in 1922 discussed with and presented to various members of the Text Book Commission, individually and separately, at times other than when the Commission was in regular session, the merits of text books that were up for adoption before said Commission in December, 1922, with the purpose and intent of influencing members of said Text Book Commission in the selection and adoption of text books, in violation of the letter and spirit of Sections 1 and 26, Chapter 44, Acts of the First Called Session of the Thirty-fifth Legislature.

2. That practically, all if not all, text book publishing houses, including all companies to whom new contracts were awarded, or their legal representatives, agents and employes, who were interested in bids on text books presented to said Commission in 1922, sent and mailed to practically all members of said Text Book Commission letters and briefs concerning text books up for adoption containing arguments for the adoption of such text books for use in the public schools of Texas, and containing discussions of the merits of such text books, for the purpose of influencing members of the Text Book Commission in the selection and adoption of

such text books, in violation of the spirit of said law.

3. That after nominations of individuals had been made to the Governor of Texas by the nominating committee provided for in Section 1 of the act, and either prior to or after the appointment by the Governor of eight persons from such list of nominations to constitute the State Text Book Commission as the same was constituted in 1922, the American Book Company and the John C. Winston Company, each being a contender for contracts on geographies, and perhaps other companies, through their agents and representatives, shipped to certain schools in Texas books in sufficient number to supply the pupils in at least one class, with the knowledge and consent of the superintendents of said schools, and without making any charge for said books, with the agreement and understanding that such books should be placed in the hands of pupils and used in the class room and given a test for the purpose of demonstrating the merits of such books. That said books were in fact used by the teachers in said schools and studied by said pupils and recitations given from said books more or less regularly from one to several months. That said books were not then and there the officially adopted texts for use in said schools and had not previously been approved by the State Text Book Commission. That during the year 1922 either the superintendent or some teacher in said schools was a member of the State Text Book Commission, and in no instance were any books sent for such use to any schools except those wherein there was some member of the Text Book Commission employed.

4. The committee finds that prior to the first meeting of the Text Book Commission, at which the bids were opened, in December, 1922, Frank R. Adrien, who was then and there a legal representative and employe of the American Book Company, approached various members of the Commission, not then and there assembled in a regular meeting of the Commission, and made a proposition to them to the effect that if the Commission adopted the arithmetics and geographies published by said American Book Company said company would establish a depository within the State of Texas and would give a further reduction of ten per cent on the prices mentioned in the bid said company was submitting.

5. The committee has not been able to obtain any direct evidence of bribery or fraud in connection with the letting of the awards, and the entering into of said contracts, but in this connection finds the following facts: The records of the committee show that the contract for geographies was the largest contract awarded, and that the adoption thereunder will cost the State approximately one million dollars for the first year. The committee further finds that after the bids had been opened by the Commission at the meeting in December, 1922, a telegram was presented from the American Book Company offering to give a ten per cent discount on the prices set forth in its bid in the event it was awarded the contract; that the Commission raised the legal question as to whether such offer of reduction could be accepted after the bids were opened, and submitted such question to the Attorney General for his advice; that the Attorney General advised the Commission that such supplemental offer could not be legally considered by the Commission, whereupon it was suggested in open meeting of the Commission that the Commission readvertise the bids in order to get the benefit of the proposed discount; that instead of re-advertising the bids, the contracts were awarded to the American Book Company at the original amount of its bids without discount.

In view of the facts set forth in this paragraph, we find that a majority of said Text Book Commission, in making the adoptions which were made at the 1922 meeting, acted in disregard of the interests of the school children and tax payers and the people of the State at large; the Commission arbitrarily adopted these geographies at the highest bid without the offered discount of ten per cent. This ten per cent discount offered will amount to approximately \$100,000 loss to the school children on the first purchase, and some \$250,000 during the life of the contract; and that those acts constituted constructive fraud on the State of Texas, and abuse of discretion.

6. The committee finds that in no case did the Text Book Commission examine and approve any bond of any successful bidder at the meeting of the Commission in December, 1922, and that none of the bonds of successful bidders were ever filed with the Commission. There is no evidence, direct and positive, that said bonds were ever approved officially by anyone.

7. The committee finds that in no instance did the Text Book Commission ever inspect, examine or approve any contract made and entered into by and between the Commission on behalf of the State of Texas and any successful bidder at the meeting of the Commission in December, 1922. That the Commission adjourned sine die on December 9, 1922, at 11 o'clock a. m., and before any contract had been prepared and signed. That not more than one or two members of the Commission has ever seen any contract or bond made in pursuance of its awards in 1922, and the members of the Commission, except the chairman, are not and never have been familiar with the contents of such contracts and bonds, and do not know of their own personal knowledge that any bonds or contracts exist. That immediately prior to sine die adjournment, the Commission voted to authorize the chairman of the Commission to approve and sign all contracts awarded at said meeting. That none of the successful bidders ever filed their contracts with the Commission.

8. The committee finds that Section 9 of the text book law provides among other things the following: "Each individual, firm or corporation submitting bids to the Commission for its consideration, or presenting books for adoption under the provisions of this act, shall file with the Secretary of the State an affidavit giving the names of all people employed to aid in any way whatsoever in securing the contract." That one Elizabeth Loehninger appeared before the Commission in December, 1922, as a representative and employe of the American Book Company, to aid in procuring for said company contracts on books published by said company. That the American Book Company caused to be filed with the Secretary of State on December 5, 1922, after the bids had been opened, an affidavit made by William T. H. Howe, under date of November 27, 1922, wherein it is recited as follows: "That the names of all people employed to aid in any way in securing a contract for furnishing text books in the public free schools of the State of Texas, pursuant to the proclamation of the Governor, dated November 4, 1922, advertising for bids, are as follows: L. M. Dillman, W. T. H. Howe, M. W. Lay, Lucille Smith, F. R. Adrien." That the name of said Elizabeth Loehninger was not included in said affidavit among the "people employed to aid in



any way whatsoever in securing the contract."

9. That all members of the Text Book Commission substantially complied with the provisions of Section 2 of the Text Book Law by making and filing with the Secretary of State the affidavit required of each member of the Text Book Commission, except the chairman of the Commission, who did not make or file any such affidavit. That on the matter of adoption of geographies, the vote of the chairman was decisive of that question and was necessary to an adoption, by reason of which Books I and II, "Essentials of Geography," by Brigham & McFarlane, published by the American Book Company, were adopted.

10. Section 3 of the Text Book Law provides that "The Commission shall keep a minute book of its proceedings and on every action of the Commission an 'aye' and 'no' vote of the members thereof shall be required." The committee finds that at the meeting of the Commission in December, 1922, no such vote was taken on any question except on the adoption of books; that on the question of the number of years for which a book should be adopted; on the question of resession of the vote by which certain text books had previously been adopted by gradual introduction; on the question of fixing the amount of the bond; on the question of attempted delegation of authority to the chairman to approve and sign contracts; on the question of the adoption of a three book series or a two book series of geography, and on other actions of the Commission, no "aye" and "no" or record vote was taken.

11. That when the Text Book Commission met in December, 1922, there were eighteen existing contracts for text books which by their terms would expire on August 31, 1923. In eleven instances new contracts were made and the books on hand discarded. In seven instances the books in use were continued. In addition to the eighteen contracts, a nineteenth contract was made for a third grade geography published by Rand, McNally & Company. That in each case of new contracts, renewals of contracts for books then in use could have been made at prices very materially less than the prices at which contracts were made for the new books. That in each case of new contracts all old books on hand owned and used by the State were discarded; that the exchange allowance for such

discarded books represented little if any benefit to the State because the cost of collecting, packing and shipping the discarded books to the depository nearly equaled, if it did not in some instances equal or exceed, such exchange allowance. That in some instances no exchange privilege had been granted, and in some of the new contracts made no exchange privilege was provided for. That the average life of a text book is five years; that some of the discarded books had been in use one, two, three and four years and were not worn out. That when the Commission in 1922 opened and read the bids presented, it did not know and made no effort to ascertain the condition of the text book market—whether said market prices on said books were declining, stationary or increasing. That the Commission did not know and made no effort to ascertain whether or not the bids presented on any book were higher or lower than the price at which said book could be purchased either in large or small quantities in the open market. That the Commission did at its said meeting have the information that the American Book Company did then have in force in the State of Tennessee a contract covering "Essentials of Geography," by Brigham & McFarlane, Books I and II, Revised Edition, at prices greatly below the bids made by said company on the same books to the Texas State Text Book Commission. That the cost of manufacturing said books and text books generally was not greater in December, 1922, than in the year 1919, the year in which Tennessee adopted said geographies. That in some instances the Commission in making adoptions in 1922 selected the highest bids presented, at the same time junking the books on hand. That the increased additional cost to the State for the first year, commencing September 1, 1923, by reason of the new adoptions, will be approximately \$1,500,000. The committee further finds that Section 4 of the Text Book Law provides that, "Before making any change in the adopted series, however, the Commission shall, upon thorough investigation, satisfy itself that a change is desirable in the interests of the children in the schools and in the interests of economy." That the words "and in the interests of economy" were added to the law by amendment of the Legislature in August, 1921, and said Commission was appointed about September and October of the same year. That said Commission did

not make such thorough investigation as is required by said law. The committee finds that a great preponderance of the sentiment of teachers and school authorities in Texas was against making changes in the adopted series of text books at the time such changes were made by the Commission. That particularly in the case of arithmetics, the Commission was furnished with information, prior to making the change in 1922, reasonably indicating that a vast preponderance of the judgment of school authorities opposed any change and favored retention of the arithmetics then in use.

#### Conclusions of Law.

1. Section 1 of the Text Book Law contains the provision that "No legal representative or temporary employe or other special agent employed by any author or publisher shall be allowed to present the merits of a book to the Commission, individually or collectively, except as hereafter defined, and any contract entered into by said Commission when so represented shall be void."

Section 26 of said law provides that "Any person not the author or publisher or the bona fide permanent and regular employe of such publisher who shall appear before such Text Book Commission in behalf of any book submitted to the Commission for adoption, or seek to influence the members thereof, or any author, publisher, bona fide permanent and regular employe of such publisher who seeks to influence the said Text Book Commission in the selection or adoption of any text books by appearing to the members of said Commission separately, or at any other time than when the Commission is in regular session or in any way violating any provision of this act, shall be guilty of a misdemeanor, etc."

Section 28 of said law provides that "The State may at its election cancel any contract entered into by virtue of the provisions of this act for fraud, or collusion, or material breach of contract upon the part of either party to the contract, or any member of the Commission, or any person, firm or corporation or their agents making said bond or contract; and for the cancellation of any such contract the Attorney General is hereby authorized to bring suit in the proper court of Travis county, etc."

The committee concludes, as a matter of law, that by reason of the violation

of the express terms and provisions of the State Text Book Law, the contracts made by the Commission on behalf of the State with successful bidders at the meeting of the Commission in December, 1922, are void, and that the State of Texas is not and ought not to be in any manner bound thereby or liable thereunder.

2. It is the conclusion of the committee that the provisions of Section 2 of the State Text Book Law, requiring each member of the Commission to make and file with the Secretary of State the affidavit required, are mandatory, and constitute conditions precedent to the qualification of its agents, as members of the Commission, to make contracts for text books that will be binding upon the State of Texas. That it was the unmistakable intent of the Legislature by such requirements to declare a sound public policy in protection of the public interest, and that it cannot be bound and ought not to be bound by any contract made by any of its authorized agents who disregard or fail to comply with its clear and express injunctions and requirements.

3. That the provisions of Section 9 of the State Text Book Law, requiring "each individual, firm or corporation submitting bids to the Commission for its consideration, or presenting books for adoption under the provisions of this act, shall file with the Secretary of State an affidavit giving the names of all people employed to and in any way whatsoever in securing the contract," are likewise specific and mandatory, and constitute conditions precedent to the making of a valid contract for text books with such person, firm or corporation. That by reason of the disregard of and failure strictly to comply with said provision of the law by the American Book Company, the two contracts made and entered into by and between said company and the State of Texas, each dated December 11, 1922, one covering Books I and II, "Essentials of Geography," by Brigham & McFarlane, and the other covering "Story Hour Reader Primer," "Story Hour Readers, Books I, II and III," and "Carpenter's Geographical Reader, New Europe," are each and both invalid and are not binding upon the State of Texas.

4. The committee concludes that the provisions of Section 13 of the State Text Book Law, requiring the Commission itself to approve bonds tendered by successful bidders are mandatory,

and that compliance with said provisions is requisite to the making by the Commission of any contract for text books that will be valid and binding upon the State. That Section 17 of said law imposes upon the Commission itself the duty also of approving the contracts when written. That said provision of the law is also mandatory and constitutes a condition precedent to the validity and binding force of such contract. The power to approve bonds and contracts of this nature is of the class that involves special skill, trust, confidence and ability. The committee is of the opinion that members of the Texas State Text Book Commission are officers of the State. Whenever contracts are required to be approved by designated officers, a contract is not binding upon the State until so approved unless the requirement is merely directory. Permissive words in a statute are construed as mandatory when the exercise of the power granted is necessary to protect the public interest. The donee of a power in whose discretion special confidence is reposed cannot delegate its exercise to another. The law confers the power to approve bonds and contracts in adopting text books on the Commission, and only on the Commission. Prior to 1917 the Legislature had conferred that power upon the Governor, but in that year specifically, and purposely, and for reasons to it sufficient, the power was taken from the Governor and specially conferred upon the Commission. Power conferred upon a board or commission cannot be exercised by a single member of such body or by a minority unless ratified by a majority. As a general rule, where power to act is conferred on two or more, and it is dependent on their judgment whether such act shall be done, the power is a special confidence in their combined judgments, and a concurrence of all, or at least of a majority, is necessary to a valid exercise of the power. There is nothing in the State Text Book Law, in the judgment of the committee, which expressly or impliedly permits the Commission to delegate to any one of its members the power, duty and authority to approve bonds and contracts required in making adoptions of text books. We believe that the clear intent of the Legislature on these matters, as evidenced by the law itself, as well as by the history of text book legislation in Texas, was to secure the combined judgment of many

persons in the approval of bonds and contracts involving the expenditure of large sums of public funds as a matter of sound public policy and in protection of the public interest. Therefore, because the successful bidders on text books in 1922 did not present to the Commission their bonds and contracts for its consideration and approval, and because said bonds were never formally approved by the Commission, and because the Commission sought to delegate its power, duty and authority to approve said contracts to one of its members, the committee concludes that said contracts are invalid.

5. The provisions of Section 4 of the State Text Book Law repose in the Commission a wide discretion in selecting text books, the price the State shall pay therefor, and the period for which any book shall be adopted. The committee believes, however, that said section also clearly places limitations upon the Commission in the exercise of these discretionary powers, and that there is a limit beyond which the Commission cannot go without abusing that discretion. Power conferred by a State upon an agent to expend public funds is in the nature of a power of attorney and must be strictly construed. Reckless or improvident disregard of the discretion reposed may be such as to amount to constructive fraud, and in such case it is sufficient to render the contract voidable. Section 4 of the law enjoins upon the Commission in making adoptions of text books, and particularly in making changes in the adopted series, two broad and general considerations: That a change is desirable (a) in the interests of the children in the schools, and (b) in the interests of economy. The latter consideration was specially made a part of the law in August, 1921. The various provisions of Section 4, in the judgment of the committee, compel the conclusion that it was the unmistakable intent of the Legislature that the Text Book Commission should give much consideration and weight to the question of economy, and that its acts shall be consistent with sound financial public policy and reflect good business judgment, to the end that waste and extravagance may be reduced to a minimum and at the same time secure for the children of Texas text books of reasonable quality and merit. The committee believes that particularly in the case of geographies, the prices adopted by the Commission were excessive, unreasonable

and unjustified, and represent profits to the publisher that are unwarranted as being at variance with and derogatory to the public interest.

#### Recommendations.

The Concurrent Resolution No. 4, under which your committee pursued its investigations, recites:

"Providing further, that if it is found that anything influenced the letting of such alleged contracts which would invalidate said alleged contracts, that such committee shall secure information from the Attorney General's Department as to the best method by which such alleged contracts may be cancelled and thereby save to the State of Texas this large sum of money if such investigation shall disclose that such alleged contracts were not justified."

The committee conferred with the Attorney General of Texas as to the best method of cancelling said contracts. That official was not at said time sufficiently informed as to what would be his official and legal duty in the premises and under the law should he be directed by the Legislature to take any action or institute any legal proceeding that would bring into question the validity of contracts made by a State agency.

Therefore, your committee makes the following recommendations:

1. That each and all officials of the State of Texas who are charged under the law in any manner with the duty of carrying into effect any of said alleged contracts or with paying out or authorizing to be paid out any public moneys under or by virtue of said alleged contracts, should steadfastly refuse to take any action or do anything whatsoever toward recognizing or enforcing the same or admitting their validity, or paying out or authorizing to be paid out any public moneys thereunder.

2. That the Attorney General of Texas in all ways within his power and by any and all means at his command shall uphold and defend any and all such officials in their failure or refusal to recognize or admit the validity or binding effect of said alleged contracts, or to take any action or do anything by virtue thereof, and in failing or refusing to pay out or authorizing to be paid out any public moneys thereunder.

3. That the Attorney General be directed to take such action, in or out of court, and institute and defend such

suits, sue out such injunctions and other writs and things as shall in his judgment be best calculated to prevent carrying into execution by any official any of said alleged contracts, or any provision thereof, or the paying out of any public moneys thereunder, to the end that the State of Texas may be relieved of and from any and all responsibility or liability under any of such alleged contracts.

4. That the Attorney General of Texas be requested to advise the Legislature at once of his attitude in the premises, so that in the event he should not for any reason be able to comply with the direction of the Legislature, there shall be ample time remaining at the present Called Session of the Legislature to consider and determine upon ways and means of accomplishing the objects and purposes of these recommendations in the interests of the people of Texas.

Respectfully submitted,

LAIRD, Chairman.

BALDWIN, Secretary.

HENDERSON of Marion,

PRICE,

BONHAM,

With reservation that evidence is in serious conflict as to difference in cost of new adoptions.

BOWERS,

With exceptions as attached hereto.

DARWIN,

WIRTZ,

Joint Legislative Text Book Investigating Committee.

I adopt the foregoing report of the joint text book investigating committee with the following exceptions:

1. In paragraphs 1 and 2 of said report, I concur, with this additional, that the text book companies who lost contracts at the 1922 meeting were just as busy talking to the members of the Text Book Commission and sending them briefs, letters and other information to influence them as did the text book companies who got the new contracts. I want to go on record in saying that I believe that text book companies in Texas are taking too much stock in politics and using too many ways of influencing members of the Text Book Commission. In this connection I want to say that I do not believe any member of the Text Book Commission was guilty of any act of fraud, collusion or undue influence in the selection of said books.

1a. In paragraph 6, it is my opinion that the Text Book Commission authorized the chairman of said Commission to approve the bonds and that the chairman did approve said bonds.

2. In paragraph 11 of said report I cannot agree that the increased additional cost to the State for the first year commencing September 1, 1923, by reason of the new adoptions will be approximately \$1,500,000, for the reason that this is a sharply controverted fact; a real truth of which depends upon the number of old contract books that would have to be bought during the year beginning September 1, 1923. I do not say that it might not be \$1,500,000, but it might be considerably less. If we consider this matter for a period of five years, which is a correct way to consider it, the loss to the State would be a very small matter, just as you would buy a pair of shoes that would last for ten months and undertake to say that the whole price of said shoes should be considered as paid for the first month said shoes were used; if said cost is distributed over a period of ten months instead of one month the difference would be apparent. I think this illustration would apply to the text book question; if the amount spent for new text books is distributed over a five-year period it makes a difference.

3. I do not agree to the conclusions of law as set out by said committee in paragraphs 1, 2, 3, 4 and 5. Said conclusions may be correct, but I do not feel that this committee is called upon to make conclusions of the law in this matter, and for that reason I do not join with them in said conclusions of law.

4. I join in the recommendations made by the committee, but I want to make the following additional recommendations:

(a) After hearing this whole matter I am convinced that the free text book law should be bodily repealed and that the next Legislature should submit an amendment to the Constitution repealing said act. From all the evidence I have been able to get, this State is absolutely swamped with text books that have been paid for out of the money that should be used to carry on our public schools, and it is my honest belief that there are enough text books in Texas that have not been used to carry on our schools for five years. Any law that causes such conditions should be repealed.

(b) The text book law should be amended so that the Governor of Texas shall at the beginning of his term every two years appoint the Text Book Commission on his own responsibility; and that of said seven, three be teachers, two attorneys, and two business men, three of whom may be women. This would place all the responsibility upon the Governor and would in my opinion be the best way to select this Commission. In saying this I do not cast any reflection whatever upon the present way of selecting said Commission.

(c) I believe there are sufficient geographies and arithmetics now on hand in the State of Texas, practically all of them new, that have never been used, that have been paid for, and the State Superintendent should be instructed that in case the contracts for the new books are set aside, that for the next year at least no part of the text book money should be used to purchase any of the old geographies or arithmetics for the schools during the year beginning September 1, 1923, and that no new books of the old contracts be purchased by the State of Texas until after the new Text Book Commission shall meet and either readopt the old contracts or make new ones.

BOWERS.

On motion of Mr. Baldwin, the report was adopted.

(Speaker in the chair.)

#### SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees as follows:

Senate bill No. 34, to the Committee on Roads, Bridges and Ferries.

Senate bill No. 21, to the Committee on Judicial Districts.

Senate bill No. 54, to the Committee on Conservation and Reclamation.

Senate bill No. 33, to the Committee on Municipal and Private Corporations.

#### BILLS RE-REFERRED.

On motion of Mr. Stewart of Edwards, House bill No. 166 was withdrawn from the Committee on State Affairs and referred to the Committee on Public Lands and Buildings.

On motion of Mr. Culp, House bill No. 159 was withdrawn from the Com-

mittee on Education and referred to the Committee on Labor.

#### ADJOURNMENT.

Mr. Burmeister moved that the House adjourn until 8:30 o'clock a. m. tomorrow.

Mr. Purl moved that the House adjourn until 10 o'clock a. m. tomorrow.

Mr. Moore moved that the House adjourn until 9 o'clock a. m. tomorrow.

The motion of Mr. Moore prevailed, and the House, accordingly, at 5:40 o'clock p. m., adjourned until 9 o'clock a. m. tomorrow.

#### APPENDIX.

##### STANDING COMMITTEE REPORTS.

The following standing committees have filed favorable reports today on bills as follows:

Revenue and Taxation—House bills Nos. 109, 55, 36, 18.

School Districts—House bills Nos. 108, 87; Senate bills Nos. 35, 36, 37.

Appropriations—Senate bills Nos. 31, 29.

Judicial Districts—House bills Nos. 38, 154.

Conservation and Reclamation—House bills Nos. 138, 46.

Municipal and Private Corporations—House bills Nos. 141, 177.

Agriculture—House bills Nos. 126, 119.

Insurance—House bill No. 112.

The following standing committees have today filed unfavorable reports on bills as follows:

Appropriations—House bill No. 24.

Conservation and Reclamation—House bill No. 46.

##### REPORTS OF COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, May 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 7, A bill to be entitled "An Act to appropriate six million dollars (\$6,000,000) out of the general funds of the State to aid all the public schools for the scholastic years begin-

ning September 1, 1923, and ending August 31, 1925, the same to be distributed as the available school funds are now distributed."

And find the same correctly engrossed.  
PRICE, Vice-Chairman.

Committee Room,  
Austin, Texas, May 3, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 116, A bill to be entitled "An Act creating the Rock Springs Independent School District in Edwards county, Texas; defining its metes and bounds, providing a board of trustees therefor, for raising revenue, issuing bonds, vesting it with the rights, powers, and duties of districts incorporated for school purposes only under the general laws of the State of Texas; providing for an election to assume the outstanding bonds of the Rocksprings Common School District, and declaring an emergency."

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,  
Austin, Texas, May 3, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 108, A bill to be entitled "An Act creating the Frost Independent School District in Navarro county, Texas; defining its boundaries, including the present Common School District No. 60; providing for a board of trustees in said district, conferring upon said district and its board of trustees all the rights, powers, privileges and duties now conferred and imposed by the general laws upon independent school districts and the boards of trustees thereof; providing that the management and control of the public free schools of said district shall be vested in a board of trustees composed of seven persons, and providing for the election and qualification of said trustees; providing for the assumption by said district of the outstanding bonded indebtedness heretofore voted in Frost Common School District No. 60; providing for the appointment of a tax assessor and collector and board of equalization

for said district, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,  
Austin, Texas, May 3, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 79, A bill to be entitled "An Act creating the Montague Independent School District in Montague county, Texas; defining its boundaries, including the Montague Independent School District No. 7, divesting Montague Independent School District No. 7 of title to all school property in said district, and vesting the same in the Montague Independent School District and its board of trustees; conferring upon said district and its board of trustees all the right, power, privileges and duties now conferred and imposed by the general laws of Texas upon independent school districts and the board of trustees thereof, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,  
Austin, Texas, May 4, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 83, A bill to be entitled "An Act creating, establishing, incorporating Common School District No. 17 in Hidalgo county, Texas, containing a portion of the territory in Hidalgo county, Texas, heretofore embraced in Common School District No. 15; describing the metes and bounds thereof; placing said Common School District No. 17 under the jurisdiction of Hidalgo county; providing for the selection of a board of trustees by the Hidalgo county board of trustees, to hold office until the next regular election, and providing for the election of trustees thereafter; vesting said district and board of trustees with all the school affairs therein as conferred and imposed by general laws upon common school districts and boards of trustees thereof, organized under the general laws of Texas; vesting the school property situated in said Common School District No. 17 and all

uncollected taxes, claims and causes of action, legally or equitably belonging to Common School District No. 15 within the territory embraced herein and validating and confirming same in Common School District No. 17; providing for the assumption by Common School District No. 17 of its pro rata share based upon the value that the lands herein embraced now bear to the aggregate value of all lands formerly comprising Common School District No. 15 of certain bonded indebtedness existing against said Common School District No. 15; providing that the enactment of this law shall not invalidate any local school taxes heretofore voted and now in force in the territory herein incorporated, and ratifying, confirming and adopting as valid and subsisting against this district any such taxes; repealing all laws in conflict herewith; making this act cumulative of the general laws of the State of Texas, and declaring an emergency,"

And find the same correctly engrossed.  
DINKLE, Chairman.

Committee Room,  
Austin, Texas, May 4, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 78, A bill to be entitled "An Act creating and defining the Ringgold Independent School District, Montague county, Texas, out of the territory known as Ringgold Independent School District in Montague county, Texas, for free school purposes only, and defining its boundaries; providing for the extension of its boundaries; repealing Chapter 44, House bill No. 540, Local and Special Laws, Thirty-sixth Legislature, passed at its Regular Session; vesting the Ringgold Independent School District, Montague county, Texas, with the exclusive control of its public free schools, and vesting the title to all property in said district; providing for the present trustees to continue in office for the term to which elected, and conferring upon the board plenary powers; providing for the levying, assessing and collecting of taxes for the maintenance of public free schools in said district; providing authority to appoint a board of equalization in said district, and defining its duties and powers; providing authority for the board of trustees to issue bonds for the purpose of purchasing school

buildings, sites, and erecting and equipping school buildings within said district, and to levy taxes therefor; providing means by which the collection of delinquent taxes may be facilitated; providing that the bonds heretofore issued by the Ringgold Independent School District shall be a charge against the district herein created; and that all outstanding indebtedness owing by the said district shall likewise be charged against the district herein created; providing for the repeal of all laws in conflict with any provision hereof, and further providing that if any section or part hereof is at any time declared to be unconstitutional, it should not affect the other provisions hereof, and declaring an emergency."

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, May 2, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 51, A bill to be entitled "An Act amending Section 3 and Section 5 of an act passed at the Regular Session of the Thirty-sixth Legislature of the State of Texas, entitled 'An Act to provide for the purchase and distribution by the State of free text books to the public school children of the State of Texas,' etc., being Senate bill No. 118, Chapter 29 of the Regular Session Laws, so as to prevent the unlawful expenditure of the State Text Book Fund and inhibit the unlawful purchase of unnecessary free text books, repealing all laws in conflict herewith, and declaring an emergency."

And find the same correctly engrossed.

DINKLE, Chairman.

Committee Room,

Austin, Texas, May 4, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

H. B. No. 113, A bill to be entitled "An Act to create the Tarpley Independent School District in Bandera county, Texas, providing a board of trustees therefor; vesting said independent school district and board of trustees with all the rights, powers, privileges and duties conferred upon independent school districts incorporated under the general laws of Texas; providing that the board of trustees of the existing school in said district shall continue to act as such until their successors are elected in accordance with the provisions of this act, and declaring an emergency,"

And find the same correctly engrossed.

DINKLE, Chairman.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Committee Room,

Austin, Texas, May 4, 1923.

Hon. R. E. Seagler, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 6, Inviting Mrs. Rebecca J. Fisher to address the Legislature Thursday evening, May 3, at 8 o'clock p. m.,

Have carefully compared same, and find it correctly enrolled, and have this day, at 10:10 o'clock a. m., presented same to the Governor for his approval.

HENDRICKS, Chairman.



In Memory  
of  
Hon. A. D. Mebane.

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Mr. Merritt offered the following resolution:

Whereas, Mr. A. D. Mebane of Lockhart, Texas, departed this life on May 1, 1923; and

Whereas, He was one of Texas' most useful and honored citizens in that he gave of both his time and talents to a practical and scientific study of the farmers' needs; and

Whereas, He was a real benefactor in the development and improvement of a high class of cotton and cotton seed, and a great agricultural leader and thinker; therefore, be it

Resolved, by the House of Representatives of the Texas Legislature, That we extend our sympathy to his family and to the community in which he lived and that was so greatly blessed by his influence and life; and

Resolved, That in his death Texas has been deprived of a great citizen and that we do thereby feel a great economic and social loss; and be it further

Resolved, That a page of the Journal of the House be set apart and dedicated to his memory, and that an enrolled copy of this resolution be sent to the family of the deceased.

The resolution was read second time and was adopted by a rising vote.